

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 19, 2025

Lyle W. Cayce  
Clerk

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No. 25-10700

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AMERICAN HEALTH CARE ASSOCIATION; LEADINGAGE; TEXAS  
HEALTH CARE ASSOCIATION; ARBROOK PLAZA; BOOKER  
HOSPITAL DISTRICT; HARBOR LAKES NURSING AND  
REHABILITATION CENTER,

*Plaintiffs—Appellees,*

*versus*

ROBERT F. KENNEDY, JR., *Secretary, U.S. Department of Health and  
Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; MEHMET OZ, *Administrator of THE CENTERS  
FOR MEDICARE and MEDICAID SERVICES*; CENTERS FOR  
MEDICARE AND MEDICAID SERVICES,

*Defendants—Appellants,*

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STATE OF TEXAS,

*Plaintiff—Appellee,*

*versus*

U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES;  
ROBERT F. KENNEDY, JR., *in his official capacity as Secretary of the U. S.  
Department of Health and Human Services*; CENTERS FOR MEDICARE  
AND MEDICAID SERVICES; MEHMET OZ, *in his official capacity as  
Administrator of THE CENTERS FOR MEDICARE and MEDICAID*

SERVICES,

*Defendants Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:24-CV-114  
USDC No. 2:24-CV-171

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CLERK'S OFFICE:

Under FED. R. APP. P.42(B), the appeal is dismissed as of  
September 19, 2025, pursuant to appellants' motion.

LYLE W. CAYCE  
Clerk of the United States Court  
of Appeals for the Fifth Circuit



By: \_\_\_\_\_  
Peter A. Conners, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

September 19, 2025

Ms. Karen S. Mitchell  
Northern District of Texas, Amarillo  
United States District Court  
205 E. 5th Street  
Room F-13240  
Amarillo, TX 79101

No. 25-10700 American Health Care Association v. Kennedy  
USDC No. 2:24-CV-114  
USDC No. 2:24-CV-171

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Peter A. Conners, Deputy Clerk  
504-310-7685

cc w/encl:

Mr. Joseph DeMott  
Mr. Gavin Joe Gadberry  
Ms. Erin Murphy  
Ms. Laura Myron  
Mr. Daniel Ortner  
Mr. C. Harker Rhodes IV  
Mr. Thomas C. Riney  
Mr. Andrew J. Rising  
Mr. Johnathan Stone  
Mr. Bradley Timms

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

AMERICAN HEALTH CARE  
ASSOCIATION, et al.,

Plaintiffs-Appellees,

v.

ROBERT F. KENNEDY, JR., et al.,

Defendants-Appellants.

No. 25-10700

**MOTION TO VOLUNTARILY DISMISS APPEAL UNDER FEDERAL  
RULE OF APPELLATE PROCEDURE 42(b)**

Pursuant to Federal Rule of Appellate Procedure 42(b), the defendants-appellants hereby respectfully move to voluntarily dismiss their appeal with all parties to bear their own costs on appeal.

Respectfully submitted,

MICHAEL S. RAAB

*/s/ Laura E. Myron*

LAURA E. MYRON

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Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave., N.W.

Washington, D.C. 20530

SEPTEMBER 2025

### **CERTIFICATE OF COMPLIANCE**

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 42 words. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word 2016 in Garamond 14-point font, a proportionally spaced typeface.

/s/ Laura E. Myron  
Laura E. Myron

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2025, I filed and served the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

/s/ *Laura E. Myron*  
Laura E. Myron