

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

STATE OF COLORADO, et al.,
Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES, et al.,
Defendants-Appellants.

No. 25-1671

CONSENT MOTION TO VOLUNTARILY DISMISS APPEAL

Pursuant to Federal Rule of Appellate Procedure 42(b), defendants-appellants United States Department of Health and Human Services and Robert F. Kennedy, Jr., in his official capacity as Secretary of the United States Department of Health and Human Services, hereby move to dismiss this appeal, with each party to bear its own costs. Counsel for plaintiffs-appellees have authorized us to state that plaintiffs-appellees consent to this motion.

Respectfully submitted,

DANIEL TENNY

s/ Benjamin C. Wei

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July 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 72 words, according to the count of Microsoft Word.

s/ Benjamin C. Wei
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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2025, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via 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/ Benjamin C. Wei

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