

No. 25-1829

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

**THE FAMILY PLANNING ASSOCIATION OF MAINE D/B/A MAINE
FAMILY PLANNING,**

Plaintiff/Appellant,

v.

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health
and Human Services; CENTERS FOR MEDICARE & MEDICAID
SERVICES; MEHMET OZ, in his official capacity as Administrator of the
Centers for Medicare & Medicaid Services,**

Defendants/Appellees.

**On Appeal from the United States District Court
for the District of Maine**

**PLAINTIFF/APPELLANT'S NOTICE REGARDING PENDING MOTION
FOR INJUNCTION PENDING APPEAL**

Plaintiff/Appellant Family Planning Association of Maine d/b/a Maine Family Planning (“MFP”) hereby notifies the Court of its intent not to file a Reply in support of its pending Motion for Injunction Pending Appeal, Dkt.00118341473 (“IPA Motion”). MFP respectfully requests that the Court rule on the IPA Motion no later than 5:00 pm on September 30, 2025. In support thereof, MFP states as follows:

1. On September 17, 2025, MFP filed its IPA Motion, pursuant to Federal Rule of Appellate Procedure 8, requesting that the Court enjoin Defendants/Appellees from enforcing Section 71113 of the One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72, 300-01 (July 4, 2025) (“the Defunding Provision”) against MFP during the pendency of its appeal. On September 26, 2025, Defendants/Appellees filed a Response to Plaintiff’s IPA Motion. Dkt.00118345596.

2. Due to the Defunding Provision, MFP has stopped billing Medicaid for services and stopped accepting new primary care patients on Medicaid. Decl. of Evelyn Kieltyka in Supp. Pl.’s Mot. for a TRO and/or Prelim. Inj., ECF No. 5-2 ¶¶ 22, 24 (“Kieltyka Decl.”). Without relief from this Court, MFP will be forced to end its primary care practice entirely and discharge patients no later than October 31, 2025. *Id.* ¶ 22; Dkt.00118341474 (Suppl. Decl. of Evelyn Kieltyka in Supp. Pl.’s Mot. for a TRO and/or Prelim. Inj., ¶ 8). MFP intends to notify all primary care patients that they are being discharged on September 30 to allow these patients sufficient time to search for another provider. Kieltyka Decl. ¶ 27.

3. Emergency relief from this Court would obviate the need for MFP to notify its patients that they are being discharged from care. For that reason, MFP respectfully requests that the Court issue a ruling before 5:00 pm on September 30.

Dated: September 29, 2025

Respectfully submitted,

/s/ Meetra Mehdizadeh

Meetra Mehdizadeh

Astrid Marisela Ackerman

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Attorneys for Plaintiff/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2025, I electronically filed the foregoing by using the CM/ECF system, which will serve copies on registered CM/ECF users.

/s/ Meetra Mehdizadeh
Meetra Mehdizadeh