

No. 25-30568

**In the United States Court of Appeals for the Fifth Circuit**

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DO NO HARM, a nonprofit corporation  
incorporated in the State of Virginia,  
*Plaintiff–Appellant,*

v.

JEFF LANDRY, in his official capacity as the Governor to the State of  
Louisiana as successor in office to Governor John Bel Edwards,  
*Defendant–Appellee.*

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On Appeal from the United States District Court  
for the Western District of Louisiana  
No. 5:24-CV-0016, Hon. Jerry Edwards, Jr.

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**UNOPPOSED MOTION TO HOLD BRIEFING IN ABEYANCE**

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## **CERTIFICATE OF INTERESTED PERSONS**

Under Fifth Circuit Rule 28.2.1, a certificate of interested persons is not required because Defendant-Appellee is a governmental party.

## MOTION

Defendant-Appellee Governor Jeff Landry respectfully moves this Court to hold all briefing deadlines in abeyance pending the conclusion of the current Louisiana legislative session on June 1, 2026.

This case challenges the constitutionality of four provisions of La. R.S. § 37:1263(B), which require the Governor to ensure that certain appointments to the Louisiana State Board of Medical Examiners rotate to include “minority” appointees. Both parties agree that those provisions of the challenged statute are unconstitutional. Because Governor Landry has avowed not to appoint anyone based on those unconstitutional provisions, the district court dismissed the case on jurisdictional grounds without reaching the merits, and this appeal followed.

There is good cause for abeyance. The Louisiana Legislature convened its 2026 regular session on March 9, 2026. The parties have conferred and are committed to finding a legislative solution to repeal the challenged provisions of La. R.S. § 37:1263. Legislative repeal would likely moot this appeal entirely. *See* Blue.Br.25. Continuing to brief an appeal that the Legislature will likely render moot within weeks would waste the resources of the Court and the parties.

If an abeyance is granted, the parties will promptly notify the Court upon passage of any legislative repeal and, in all events, will file a joint status report with the Court within seven days of the session's conclusion proposing a path forward.

For these reasons, Defendant-Appellee respectfully requests that the Court hold all briefing deadlines in abeyance and order the parties to file a joint status report within seven days of the conclusion of the 2026 Louisiana regular legislative session.

Dated: March 13, 2026

Respectfully submitted,

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/s/ Zachary Faircloth  
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## CERTIFICATE OF SERVICE

I certify that on March 13, 2026, I filed the foregoing motion with the Court's CM/ECF system, which will automatically send an electronic notice of filing to all counsel of record.

*/s/ Zachary Faircloth*  
ZACHARY FAIRCLOTH

## CERTIFICATE OF COMPLIANCE

Pursuant to Fifth Circuit Rule 32.3, the undersigned certifies that this brief complies with:

(1) the type-volume limitations of Federal Rule of Appellate Procedure 27 because it contains 261 words; and

(2) the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Century Schoolbook font) using Microsoft Word (the same program used to calculate the word count).

*/s/ Zachary Faircloth*  
ZACHARY FAIRCLOTH

Dated: March 13, 2026