

United States Court of Appeals For the First Circuit

No. 25-2165

STATE OF CALIFORNIA; STATE OF NEW YORK; STATE OF CONNECTICUT; STATE OF COLORADO; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF MAINE; STATE OF MARYLAND; COMMONWEALTH OF MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NORTH CAROLINA; STATE OF OREGON; JOSH SHAPIRO, in the official capacity as Governor of the Commonwealth of Pennsylvania; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; STATE OF WISCONSIN,

Plaintiffs - Appellees,

v.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS); ROBERT F. KENNEDY, JR., in the official capacity as Secretary of the U.S. Department of Health and Human Services; CENTERS FOR MEDICARE & MEDICAID SERVICES; MEHMET OZ, in the official capacity as Administrator of the Centers for Medicare and Medicaid Services,

Defendants - Appellants.

Before

Barron, Chief Judge,
Gelpí and Montecalvo, Circuit Judges.

ORDER OF COURT

Entered: December 14, 2025

This is an appeal from an order granting a preliminary injunction on December 2, 2025, in the District Court for the District of Massachusetts. We have jurisdiction under 28 U.S.C. § 1292(a). Defendant-Appellants have filed in this court a "Motion for Stay Pending Appeal and Administrative Stay" (the "Motion"). We earlier granted the Motion's request for an administrative stay. Plaintiff-Appellees since have filed an opposition to the request for a stay pending appeal.

On December 12, 2025, we issued an opinion and judgment in Appeal Nos. 25-1698 & 25-1755 ("the Planned Parenthood Opinion"). The parties are hereby ordered to address the Planned Parenthood Opinion as follows: Defendant-Appellants are ordered to file a supplemental brief of

no more than fifteen (15) pages addressing the effect, if any, of the Planned Parenthood Opinion on the Motion, to be filed no later than 5:00 p.m. on **December 16, 2025**. Plaintiff-Appellees may file a response to that supplemental brief of no more than fifteen (15) pages addressing Defendant-Appellants' supplemental brief and the effect, if any, of the Planned Parenthood Opinion on the Motion, to be filed no later than 5:00 p.m. on **December 19, 2025**. We will hold in abeyance any ruling on the Motion until after the expiration of Plaintiff-Appellees' time to respond. The administrative stay previously entered remains in place without modification.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

David Moskowitz, Nora Q.E. Passamaneck, Neli Nima Palma, Karli Eisenberg, Erica Madeline Connolly, Gillian Hannahs, Cara Newlon, Rabia Muqaddam, Colleen K. Faherty, Judith N. Vale, Andres Ivan Navedo, Blair J. Greenwald, Galen L. Sherwin, Janelle Medeiros, Alma Rose Nunley, Vanessa L. Kassab, Ian R. Liston, Jennifer Kate Aaronson, Sarah Carroll, Caroline S. Van Zile, Nicole Suzanne Hill, David Dana Day, Kaliko'onālani Diara Fernandes, Sarah A. Hunger, Caitlyn Gulia McEllis, Elizabeth Morris, Sarah Jeanne Gallo, Thomas A. Knowlton, Halliday Moncure, Aaron M. Frey, James C. Luh, Allyson T. Slater, Andrea J. Campbell, Morgan Blair Carmen, Neil Giovanatti, Kyla L. Barranco, Elizabeth C. Kramer, Katherine Bies, Heidi Parry Stern, Elizabeth R. Walsh, Jessica L. Palmer, Amy Senier, Daniel Paul Mosteller, Laura Howard, Marc David Brunton, Robert A. Koch, Christina L. Beatty-Walters, Kate Elizabeth Morrow, Michael J. Fischer, Aimee D. Thomson, Jonathan D. Koltash, Jennifer Selber, Peter F. Neronha, Sarah Rice, Dorothea Rose Calvano Young, Jonathan T. Rose, Andrew R.W. Hughes, William David McGinty, Lauryn K. Fraas, Faye B. Hipsman, Donald Campbell Lockhart, Daniel Tenny, Abraham R. George, Maxwell A. Baldi, Elisabeth Neylan, Elizabeth Themins Hedges