

---

**No. 26-30203**

---

IN THE

**United States Court of Appeals**

FOR THE FIFTH CIRCUIT



STATE OF LOUISIANA, by through its Attorney General,  
LIZ MURRILL; ROSALIE MARKEZICH,

*Plaintiffs-Appellants/Cross-Appellees,*

v.

FOOD & DRUG ADMINISTRATION; KYLE DIAMANTAS, Acting Commissioner,  
U.S. Food and Drug Administration; MICHAEL DAVIS, in his official capacity  
as Acting Director, Center for Drug Evaluation & Research, U.S. Food &  
Drug Administration; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
SERVICES; ROBERT F. KENNEDY, JR., Secretary, U.S. Department of Health and  
Human Services,

*Defendants-Appellees,*

v.

DANCO LABORATORIES, L.L.C.; GENBIOPRO, INCORPORATED,

*Intervenors-Appellees/Cross-Appellants.*

---

*Appeal from the United States District Court  
for the Western District of Louisiana*

---

**BRIEF OF FORMER MILITARY OFFICIALS,  
FORMER CIVILIAN NATIONAL SECURITY LEADERS,  
AND VET VOICE FOUNDATION AS *AMICI CURIAE*  
IN SUPPORT OF DEFENDANTS-APPELLEES  
AND INTERVENOR-APPELLEES**

---

Katherine Epstein  
HECKER FINK LLP  
1050 K Street, NW, Suite 1040  
Washington, D.C. 20001  
212-763-0883

Madeline Verniero  
HECKER FINK LLP  
350 Fifth Avenue, 63rd Floor  
New York, New York 10118  
212-763-0883

*Attorneys for Amici Curiae*

## **CERTIFICATE OF INTERESTED PERSONS**

*State of Louisiana, et al. v. U.S. Food and Drug Administration, et al.*  
No. 26-30203

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

### **Plaintiffs-Appellants**

State of Louisiana, by & through its  
Attorney General, Liz Murrill

Erin Morrow Hawley  
Erik C. Baptist  
Julie Marie Blake  
Frank W. Basgall  
Gabriella M. McIntyre  
Dalton A. Nichols  
Alliance Defending Freedom

Jorge Benjamin Aguinaga  
Caitlin Ann Huettemann  
Office of the Attorney General  
for the State of Louisiana

Rosalie Markezich

Erin Morrow Hawley  
(see above)

Erik Baptist  
(see above)

Julie Marie Blake  
(see above)

Frank W. Basgall  
(see above)

Gabriella McIntyre  
(see above)

Dalton A. Nichols  
(see above)

Michael T. Johnson  
Johnson, Siebeneicher & Ingram

**Defendants-Appellees**

Food & Drug Administration

Daniel Winik  
Noah T. Katzen  
Brett A. Shumate  
James W. Harlow  
U.S. Department of Justice  
Civil Division

Andrew Marshall Bernie  
U.S. Department of Justice  
Environment & Natural Resources  
Division

Kyle Diamantas, in his official capacity  
as Acting Commissioner, U.S. Food and  
Drug Administration

Daniel Winik  
(see above)

Andrew Marshall Bernie  
(see above)

Noah T. Katzen  
(see above)

Brett A. Shumate  
(see above)

James W. Harlow  
(see above)

Michael Davis, in his official capacity as  
Acting Director, Center for Drug  
Evaluation & Research, U S Food &

Daniel Winik  
(see above)

Drug Administration

Andrew Marshall Bernie  
(see above)

Noah T. Katzen  
(see above)

Brett A. Shumate  
(see above)

James W. Harlow  
(see above)

United States Department of Health and  
Human Services

Daniel Winik  
(see above)

Andrew Marshall Bernie  
(see above)

Noah T. Katzen  
(see above)

Brett A. Shumate  
(see above)

James W. Harlow  
(see above)

Robert F. Kennedy, Jr., Secretary, U.S.  
Department of Health and Human  
Services

Daniel Winik  
(see above)

Andrew Marshall Bernie  
(see above)

Noah T. Katzen  
(see above)

Brett A. Shumate  
(see above)

James W. Harlow

(see above)

**Intervenors-Appellees**

GenBioPro, Incorporated

John N. Adcock  
Adcock Law, L.L.C.

John Patrick Elwood  
Daphne O'Connor  
Robert J. Katerberg  
Arnold & Porter Kaye Scholer, L.L.P.

Carrie Yvette Flaxman  
Skye Lynn Perryman  
Lisa Newman  
Democracy Forward Foundation

Danco Laboratories, L.L.C.  
Intervenor - Appellee/Cross-Appellant

Jessica Lynn Ellsworth  
Katherine McKay  
Dana A. Raphael  
Jo-Ann Tamila Sagar  
Alexander V. Sverdllov  
Danielle Desaulniers Stempel  
Hogan Lovells Cadwalader US,  
L.L.P.

William Brock Most  
Most & Associates

**Amicus Curiae**

Reproductive Health Initiative for  
Telehealth Equity & Solutions

Meghan K. Matt  
Murell Law Firm

Sonia W. Murphy  
Gilbert LLP

Sapna Khatri  
Boston University School of Law  
Program on Reproductive Justice

Legal Voice

Daniel W. Wolff  
Crowell & Moring, L.L.P.

Hey Jane

Meghan K. Matt  
(see above)

Sonia W. Murphy  
(see above)

Sapna Khatri  
(see above)

Honeybee Health, Incorporated

Eugene M. Gelernter  
Jillian Horowitz  
Hilarie M. Meyers  
Hadiya Williams  
Patterson, Belknap, Webb & Tyler,  
L.L.P.

IGH, doing business as Abortion on  
Demand

Meghan K. Matt  
(see above)

Sonia W. Murphy  
(see above)

Sapna Khatri  
(see above)

Disability Rights Education and Defense  
Fund

Maria Michelle Uzeta  
Chloe Marie Chetta  
Barrasso Usdin Kupperman Freeman  
& Sarver, L.L.C.

Elizabeth Renee June  
Mallory Tosch Hoggatt  
Allen Overy Shearman Sterling US  
LLP

Kristen Diane Amond  
Amond Law

American Association of People with  
Disabilities

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

Autistic Self-Advocacy Network

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

Autistic Women and Nonbinary Network

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt

(see above)

Kristen Diane Amond  
(see above)

New Disabled South

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

Women Enabled International

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

Robyn Powell, PhD, JD, Assistant  
Professor, Stetson University College of  
Law (in an individual capacity and not  
representative of the institution)

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

Ruth Colker, Distinguished University  
Professor and Heck Faust Memorial  
Chair in Constitutional Law at Moritz  
College of Law, Ohio State University  
(in an individual capacity and not  
representative of the institution)

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

Tony Coelho, former U.S. Congressman,  
Founder of The Coelho Center for  
Disability Law, Policy, and Innovation

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

Katherine Perez, Director of the Coelho Center for Disability Law, Policy, and Innovation, and Visiting Professor of Law at Loyola Law School (in an individual capacity and not representative of the institution)

Maria Michelle Uzeta  
(see above)

Chloe Marie Chetta  
(see above)

Elizabeth Renee June  
(see above)

Mallory Tosch Hoggatt  
(see above)

Kristen Diane Amond  
(see above)

World Faith Foundation

Deborah Jane Dewart

NC Values Institute

Deborah Jane Dewart  
(see above)

Advancing American Freedom, Inc.; Alabama Policy Institute; Alaska Family Council; American Association of Senior Citizens; American Values; Americans United for Life; America's Women; Association of Mature American Citizens Action; Fran Bevan; Centennial Institute at Colorado Christian University; Center for Urban Renewal and Education; Christian Law Association; Christian Medical & Dental Associations; Concerned Women for America; Democrats for Life; Eagle Forum; Phyllis Schlafly's Pennsylvania Eagle Forum; Faith and Freedom Coalition; Family Council in Arkansas; Family Institute of Connecticut Action; Frontline Policy Council; Good Counsel; Human Coalition; Idaho Family Policy Center; International Conference of

Ben E. Clayton  
Clayton Law Firm

John Marc Wheat  
Timothy Harper  
Advancing American Freedom

Evangelical Chaplain Endorsers; James Dobson Family Institute; Live Action; Tim Jones; Dr. Alveda King; Louisiana Family Forum; Lutheran Center for Religious Liberty; Maryland Family Institute; Men and Women for a Representative Democracy in America, Inc.; Men for Life; National Religious Broadcasters; National Right to Life; Nebraska Family Alliance; New York State Conservative Party; North Carolina Values Coalition; Orthodox Jewish Chamber of Commerce; Melissa Ortiz; Priests for Life; Rick Santorum; Robert F. Schwarzwald, PhD; Dr. Gregory P. Seltz; 60 Plus Association; Paul Stam; Kathy Szeliga; Paul Teller; Texas Right to Life; The Family Foundation of Virginia; The Wagner Center; Kerri Toloczko; Suzi Voyles; Tradition, Family, Property, Inc.; Trusted Voice Podcast; Wisconsin Family Action, Inc.; Women for Democracy in America, Inc.; and Young America's Foundation

American Center for Law & Justice

Olivia F. Summers  
Jordan A. Sekulow  
Stuart J. Roth  
Andrew J. Ekonomou  
Nathan J. Moelker  
Walter M. Weber  
American Center for Law & Justice

Kevin S. Vogeltanz  
Law Office of Kevin S. Vogeltanz,  
LLC

American Association of Pro-Life  
Obstetricians & Gynecologists and  
Samaritan's Purse

Brian Wade Arabie  
Sigler Arabie & Cannon, LLC

|                                           |                                                    |
|-------------------------------------------|----------------------------------------------------|
|                                           | Christopher Ernest Mills<br>Spero Law, L.L.C.      |
| Family Research Council                   | Brian Wade Arabie<br>(see above)                   |
|                                           | Christopher Ernest Mills<br>(see above)            |
| Martha Shuping, M.D.                      | Brian Wade Arabie<br>(see above)                   |
|                                           | Christopher Ernest Mills<br>(see above)            |
| Students for Life of America              | L. Katie Buckner<br>Students for Life of America   |
|                                           | R. Bradley Lewis<br>Law Office of R. Bradley Lewis |
| Susan B. Anthony Pro-Life America         | Heather Gebelin Hacker<br>Hacker Stephens, L.L.P.  |
| Charlotte Lozier Institute                | Heather Gebelin Hacker<br>(see above)              |
| Louisiana Right to Life                   | Heather Gebelin Hacker<br>(see above)              |
| Texas Right to Life                       | Heather Gebelin Hacker<br>(see above)              |
| March for Life Education and Defense Fund | Heather Gebelin Hacker<br>(see above)              |
| National Catholic Bioethics Center        | Heather Gebelin Hacker<br>(see above)              |

|                                                                                                                                                                                                                 |                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Catholic Medical Association                                                                                                                                                                                    | Heather Gebelin Hacker<br>(see above)                                              |
| National Association of Catholic Nurses,<br>USA                                                                                                                                                                 | Heather Gebelin Hacker<br>(see above)                                              |
| Christ Medicus Foundation                                                                                                                                                                                       | Heather Gebelin Hacker<br>(see above)                                              |
| Catholic Healthcare Leadership Alliance                                                                                                                                                                         | Heather Gebelin Hacker<br>(see above)                                              |
| National Catholic Partnership on<br>Disability                                                                                                                                                                  | Heather Gebelin Hacker<br>(see above)                                              |
| Texas Alliance for Life                                                                                                                                                                                         | Heather Gebelin Hacker<br>(see above)                                              |
| Texans for Life Coalition                                                                                                                                                                                       | Heather Gebelin Hacker<br>(see above)                                              |
| Senator Bill Cassidy, M.D.;<br>Representative Christopher H. Smith;<br>Senate Majority Leader John Thune;<br>Speaker of the House of Representatives<br>Mike Johnson; and Additional 109<br>Members of Congress | Heather Gebelin Hacker<br>(see above)<br><br>Joseph Scott St. John<br>St. John LLC |
| National Hispanic Christian Leadership<br>Conference                                                                                                                                                            | Mathew D. Staver<br>Horatio Gabriel Mihet<br>Daniel J. Piedra<br>Liberty Counsel   |
| Douglass Leadership Institute                                                                                                                                                                                   | Mathew D. Staver<br>(see above)<br><br>Horatio Gabriel Mihet<br>(see above)        |

Ethics and Public Policy Center

Martin Edward Whelan, III  
Eric N. Kniffin  
Rachel N. Morrison  
Ethics & Public Policy Center

Michelle Ward Ghetti  
Ghetti Law

2,796 Women Injured by Abortion

Hunter W. Lundy  
Lundy Law

Troy Houston Middleton, IV  
Lundy Law (LC)

Mary J. Browning  
Allan E. Parker  
R. Clayton Trotter  
Justice Foundation

Justice Foundation

Mary J. Browning  
(see above)

Allan E. Parker  
(see above)

R. Clayton Trotter  
(see above)

Hunter W. Lundy  
(see above)

Troy Houston Middleton, IV  
(see above)

Center Against Forced Abortions

Mary J. Browning  
(see above)

Allan E. Parker  
(see above)

R. Clayton Trotter  
(see above)

Hunter W. Lundy  
(see above)

Troy Houston Middleton, IV  
(see above)

National Association of Christian  
Lawmakers

Mary J. Browning  
(see above)

Allan E. Parker  
(see above)

R. Clayton Trotter  
(see above)

Hunter W. Lundy  
(see above)

Troy Houston Middleton, IV  
(see above)

National Institute of Family and Life  
Advocates

Mary J. Browning  
(see above)

Allan E. Parker  
(see above)

R. Clayton Trotter  
(see above)

Heartbeat International, Incorporated

Brennan Tyler Brooks  
Thomas More Society  
Charles Kenneth Cicero, III  
Cicero Law, L.L.C.  
Danielle Merry White  
Heartbeat International, Inc.

Trinity Legal Center

Linda Boston Schlueter  
Trinity Legal Center

Brian Wade Arabie  
(see above)

Women and Families Harmed by  
Mifepristone and Former Abortion  
Provider (Carol Everett; Tammi Morris;  
Monty Patterson; and Leslie Wolbert)

Linda Boston Schlueter  
(see above)

Brian Wade Arabie  
(see above)

Leslie Wolbert

Linda Boston Schlueter  
(see above)

Tammi Morris

Linda Boston Schlueter  
(see above)

Carol Everett

Linda Boston Schlueter  
(see above)

Monty Patterson, father of Holly  
Patterson

Linda Boston Schlueter  
(see above)

Doctor Grazie Pozo Christie

David H. Thompson  
Megan Marie Wold  
Cooper & Kirk, P.L.L.C.

Catholic Association Foundation

David H. Thompson  
(see above)

Megan Marie Wold  
(see above)

State of Nebraska and 20 Other States

Cody S. Barnett  
Michael T. Hilgers  
Zachary A. Viglianco  
Nebraska Attorney General's Office

Rachel Thyre Vogeltanz

Law Office of Rachel Vogeltanz

Association of American Physicians and Surgeons and Eagle Forum Education & Legal Defense Fund

Andrew L. Schlafly

Texas Values and State Representative Jeff Leach

Jonathan M. Saenz  
Texas Values

Dr. Calum Miller

Ben E. Clayton  
(see above)

Kristine L. Brown

Concerned Women for America

Mario Alberto Diaz  
Concerned Women for America

Ben E. Clayton  
(see above)

National Domestic Violence Hotline; National Network to End Domestic Violence; Ujima; National Center on Violence Against Women in the Black Community; Center for Survivor Agency & Justice; and Expert Researchers (Liz Tobin Tyler; Samuel Dickman, M.D.; Karen Trister Grace, PhD; Maeve Wallace, PhD; and Julie Dahlstrom)

Rebekka C. Veith  
Miller Thibodeaux Dysart Veith & Paschal, LLC

Robin Michelle Turner  
Julia Marks  
Legal Voice

Daniel W. Wolff  
Sharmistha Das  
Rachel S. Lesser  
Madeline P. Reyes  
Karen A. Mawdsley  
Crowell & Moring LLP

Over 100 Reproductive Health, Rights, and Justice Organizations

Jessica Ring Amunson  
Mary Marshall  
Varsha Midha  
Emily Merrifield  
Jenner & Block LLP

Jamila Johnson  
The Lawyering Project

Former Commissioners and Acting  
Commissioners of the U.S. Food and  
Drug Administration (David A. Kessler,  
M.D.; Jane E. Henney, M.D.; Margaret  
Hamburg, M.D.; Robert M. Califf, M.D.;  
Michael A. Friedman, M.D.; Joshua M.  
Sharfstein, M.D.; Stephen Ostroff, M.D.;  
Norman E. “Ned” Sharpless, M.D.; Janet  
A. Woodcock, M.D.)

Salvador I. Bivalacqua  
Mandie E. Landry  
Bivalacqua Gele Ellis

Margaret M. Dotzel  
Alyssa Howard  
William B. Schultz  
Zuckerman Spaeder (DC)

New York; Arizona; California;  
Colorado; Connecticut; Delaware;  
Hawai’i; Illinois; Maine; Maryland;  
Massachusetts; Michigan; Minnesota;  
Nevada; New Jersey; New Mexico;  
North Carolina; Oregon; Rhode Island;  
Virginia; Vermont; Washington; the  
District of Columbia; and the Governor  
of Pennsylvania

Letitia James, Attorney General  
Barbara D. Underwood, Solicitor  
General  
Ester Murdukhayeva, Deputy  
Solicitor General  
Galen Leigh Sherwin, Special  
Counsel for Reproductive Justice  
Attorney General of NY (NYC)

Jacob Kennedy Weixler  
Weixler Law

Dana Nessel  
Attorney General of Michigan

Kristin K. Mayes  
Attorney General of Arizona

Kwame Raoul  
Attorney General of Illinois

Rob Bonta  
Attorney General of California

Aaron M. Frey  
Attorney General of Maine

Philip J. Weiser  
Attorney General of Colorado

Anthony G. Brown  
Attorney General of Maryland

William Tong  
Attorney General of Connecticut

Andrea Joy Campbell  
Attorney General of Massachusetts

Kathleen Jennings  
Attorney General of Delaware

Keith Ellison  
Attorney General of Minnesota

Anne E. Lopez  
Attorney General of Hawai'i

Aaron D. Ford  
Attorney General of Nevada

Jennifer Davenport  
Attorney General of New Jersey

Charity R. Clark  
Attorney General of Vermont

Raúl Torrez  
Attorney General of New Mexico

Nicholas W. Brown  
Attorney General of Washington

Dan Rayfield  
Attorney General of Oregon

Brian L. Schwalb  
Attorney General of the District of  
Columbia

Jeff Jackson  
Attorney General of North Carolina

Jay Jones  
Attorney General of Virginia

Josh Shapiro  
Governor of the Commonwealth of  
Pennsylvania

Peter F. Neronha  
Attorney General of Rhode Island

Former U.S. Department of Justice  
Officials (Leslie Caldwell; Michael W.  
Cotter; Edward L. Dowd Jr.; Jamie S.  
Gorelick; Dwight C. Holton; William C.  
Killian; James A. Lewis; Kenneth  
Magidson; Denise E. O'Donnell; David  
W. Ogden; Sarah R. Saldana; Anne  
Tompkins; John W. Vaudreuil; John F.  
Walsh; and Seth P. Waxman)

Arielle Kay Herzberg  
Kimberly Ari Parker  
Alan Evan Schoenfeld  
M. L. Io Jones  
Wilmer Cutler Pickering Hale and  
Dorr LLP

Richard Gerard Perque  
Law Office of Richard G Perque

Kyle Edwards Haugh  
California Department of Justice

American College of Obstetricians &  
Gynecologists and Other Leading  
Medical Societies (Society of Maternal-  
Fetal Medicine; American Academy of  
Family Physicians; American College of  
Physicians; American College of  
Preventive Medicine; American  
Gynecological and Obstetrical Society;  
American Society of Reproductive  
Medicine; North American Society of

Meaghan Hannan Davant  
Molly A. Meegan  
Francisco M. Negrón Jr.  
American College of Obstetricians &  
Gynecologists

Malcolm Clark Lloyd  
ACLU of Louisiana

Nicole Amanda Marton

Pediatric and Adolescent Gynecology; Society of Adolescent Health and Medicine; Society of General Internal Medicine; Council of University Chairs of Obstetrics & Gynecology; Society of Gynecologic Oncology; Society of Gynecologic Surgeons; Society of OB/GYN Hospitalists; and American Medical Women's Association)

Kathryn Campbell Saba  
Shannon Rose Selden  
Debevoise & Plimpton

Medical Students for Choice

Kathryn Coniglio Arnett  
Charlotte Vida Baigent  
Jayme Alyse Jonat  
Katharine Gene Zeigler  
Holwell Shuster & Goldberg

Alexandra DiBiase Moody  
Lift Louisiana

259 Members of Congress

Abby F. Rudzin  
Camila Tucker  
Nancy L. Schroeder  
Michael McMillin  
Harmukh Singh  
Samantha Galván  
Keith Osentoski  
O'Melveny & Myers LLP

175 Professors, Health Organizations  
and Health Care Providers

Jamie A. Levitt  
Megan E. Baffaro  
Joseph R. Palmore  
Elaine Hou  
Daralyn J. Durie  
Morrison & Foerster LLP

Carmel Dori Shachar  
Center for Health Law and Policy  
Innovation at Harvard Law School

Physicians for Reproductive Health

Corinne R. Moini

Katherine S. Borchert  
Janice Mac Avoy  
Laura Israel Sinrod  
Anne S. Aufhauser  
Kathryn Sachs  
Fried, Frank, Harris, Shriver &  
Jacobson LLP

360 Reproductive Health Researchers

Alexander N. Ely  
Doménica Merino  
Quynhanh N. Tran  
Leah Godesky  
O'Melveny & Myers LLP

Amanda Barrow  
Cathren Cohen  
Sofia Espinoza  
Melissa Goodman  
Diana Kasdan  
Center on Reproductive Health, Law,  
and Policy UCLA School of Law

National Council of Jewish Women;  
Religious Community for Reproductive  
Choice; Catholics for Choice; Hindus for  
Human Rights; Muslims for Progressive  
Values; Unitarian Universalist  
Association; and 46 Other Faith-Based  
Organizations

Michael F. Buchanan  
Nicole Scully  
Justice Forte  
Rachel Klein  
Patterson Belknap Webb & Tyler LLP

Information Society Project at Yale Law  
School

Priscilla J. Smith  
Yael H. Caplan  
Genevieve E. Scott  
Yale Law School

163 Reproductive Health, Rights, and  
Justice Organizations

Jessica Ring Amunson  
(see above)

Varsha Midha  
(see above)

Emily Merrifield  
(see above)

Sara Stappert  
Jenner & Block LLP

Pharmaceutical Research and  
Manufacturers of America

James C. Stansel  
Melissa B. Kimmel  
Kelly Falconer Goldberg  
Pharmaceutical Research and  
Manufacturers of America

Marienna Murch  
Dalia Deak  
Sarah E. Harrington  
David M. Zions  
Julie Dohm  
Brienne Sullivan  
Sameer Aggarwal  
Kristin Oakley  
Covington & Burling LLP

Local Governments and Local  
Government Leaders

Jenny S. Ma  
Kyriaki Council  
Eliana Greenberg  
Public Rights Project

FemInEM Foundation and American  
Academy of Emergency Medicine

Leah R. Bruno  
Emily D. Steeb  
Mary Strong  
Dentons US LLP

Food and Drug Law Scholars and  
Professors

Lewis A. Grossman  
Denise Esposito  
Robert A. Long  
Julia F. Post  
Beth E. Braiterman  
Guillaume A. Julian  
Covington & Burling LLP

Blood Cancer United and Nine Other  
Advocacy Groups

Caroline L. Wolverton  
Nathan A. Brown  
Laura E. Hill  
Kristen E. Loveland  
Maddy L. Bolger  
May Johnson  
Akin Gump Strauss Hauer & Feld  
LLP

David Boyle  
(Amicus Curiae for Neither Party)

David Boyle  
(pro se)

Nebraska; Alabama; Alaska; Arkansas;  
Florida; Georgia; Idaho; Indiana; Iowa;  
Kansas; Kentucky; Mississippi;  
Missouri; Montana; North Dakota; Ohio;  
Oklahoma; South Carolina; South  
Dakota; Texas; Utah; West Virginia; and  
Wyoming

Michael T. Hilgers  
(see above)

Zachary A. Viglianco  
(see above)

Cody S. Barnett  
(see above)

Rachel Thyre Vogeltanz  
(see above)

Former Military Officials; Former  
Civilian National Security Leaders;  
Vet Voice Foundation

Katherine Epstein  
Clara S. Spera  
Madeline Verniero  
Hecker Fink LLP

/s/ Katherine Epstein  
Katherine Epstein

*Attorney of Record for  
Former Military Officials, Former  
Civilian National Security Leaders, And  
Vet Voice Foundation*

TABLE OF CONTENTS

|                                                                                                                                                                                                         | Page |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| INTRODUCTION AND INTEREST OF <i>AMICI</i> .....                                                                                                                                                         | 1    |
| ARGUMENT .....                                                                                                                                                                                          | 5    |
| I. Military Readiness Is Essential, and Women Are Critical<br>to Maintaining It. ....                                                                                                                   | 5    |
| II. Timely Access to Reproductive Healthcare, Including<br>Abortion, Is Essential to Military Readiness.....                                                                                            | 8    |
| A. Limited access to reproductive healthcare impedes<br>the deployability, recruitment, and retention of<br>servicemembers. ....                                                                        | 9    |
| B. Federal policies already restrict abortion access for<br>servicemembers and veterans, making further<br>restrictions even more burdensome for<br>servicemembers’ ability to access timely care. .... | 11   |
| C. State restrictions on abortion impose additional<br>barriers on servicemembers and veterans<br>seeking reproductive healthcare nationwide. ....                                                      | 13   |
| D. Telehealth abortion mitigates access barriers<br>and strengthens military readiness. ....                                                                                                            | 18   |
| CONCLUSION .....                                                                                                                                                                                        | 19   |

TABLE OF AUTHORITIES

|                                                                                                                                                                                                                                                                                                                                                                                                                         | Page(s) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>Statutes</b>                                                                                                                                                                                                                                                                                                                                                                                                         |         |
| 10 U.S.C. § 1093(a) .....                                                                                                                                                                                                                                                                                                                                                                                               | 12      |
| 10 U.S.C. § 1093(b) .....                                                                                                                                                                                                                                                                                                                                                                                               | 12      |
| <b>Other Authorities</b>                                                                                                                                                                                                                                                                                                                                                                                                |         |
| Aaron Sobczak, <i>High Attrition Rates and Increased Waivers Muddy Enlistment Numbers</i> , Responsible Statecraft (Mar. 10, 2025), <a href="https://responsiblestatecraft.org/military-attrition-rates-high">https://responsiblestatecraft.org/military-attrition-rates-high</a> .....                                                                                                                                 | 7       |
| Alex Horton & Rachel Roubein, <i>Abortion Ruling Will Worsen Military Personnel Crisis</i> , Pentagon Says, Wash. Post (July 29, 2022, at 17:17 ET), <a href="https://www.washingtonpost.com/national-security/2022/07/29/military-abortion-recruiting/">https://www.washingtonpost.com/national-security/2022/07/29/military-abortion-recruiting/</a> .....                                                            | 10      |
| Alyssa Goldberg, <i>People Are Flocking Out-of-State for Abortion Care. Clinics Are Fighting to Keep Up</i> , USA Today (Mar. 18, 2025, at 11:59 ET), <a href="https://www.usatoday.com/story/life/health-wellness/2025/03/05/abortion-clinic-fund-travel-sustainability/80697629007/">https://www.usatoday.com/story/life/health-wellness/2025/03/05/abortion-clinic-fund-travel-sustainability/80697629007/</a> ..... | 14      |
| Ben Kesling, <i>The Military Recruiting Crisis: Even Veterans Don’t Want Their Families to Join</i> , Wall St. J. (June 30, 2023, 00:01 ET), <a href="https://www.wsj.com/politics/military-recruiting-crisis-veterans-dont-want-their-children-to-join-510e1a25">https://www.wsj.com/politics/military-recruiting-crisis-veterans-dont-want-their-children-to-join-510e1a25</a> .....                                  | 7, 9    |
| Br. for Pet., <i>Struck v. Sec’y of Def.</i> , 409 U.S. 1071 (1972) (No. 72-178), 1972 WL 135840 .....                                                                                                                                                                                                                                                                                                                  | 14      |
| Caitlin Russell et al., <i>Policy Knowledge and Abortion Access for US Active-Duty Servicewomen: A Mixed-Methods Study</i> , 71 J. Midwifery & Women’s Health 46 (2025), <a href="https://pmc.ncbi.nlm.nih.gov/articles/PMC12914618/">https://pmc.ncbi.nlm.nih.gov/articles/PMC12914618/</a> .....                                                                                                                      | 16      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Carrie N. Baker, ‘ <i>Barrage of Harassment, Intimidation and Violent Attacks</i> ’ on Abortion Clinics, Says National Abortion Federation, Ms. Mag. (Apr. 25, 2025), <a href="https://msmagazine.com/2025/04/25/harassment-intimidation-violence-abortion-clinics-doctors-providers-national-federation/">https://msmagazine.com/2025/04/25/harassment-intimidation-violence-abortion-clinics-doctors-providers-national-federation/</a> ..... | 17   |
| Daniel Grossman et al., <i>Care Post-Roe: Documenting Cases of Poor-Quality Care Since the Dobbs Decision</i> , Advancing New Standards in Repro. Health (2024), <a href="https://www.ansirh.org/sites/default/files/2024-09/ANSIRH%20Care%20Post-Roe%20Report%209.04.24_FINAL%20EMBARGOED_0.pdf">https://www.ansirh.org/sites/default/files/2024-09/ANSIRH%20Care%20Post-Roe%20Report%209.04.24_FINAL%20EMBARGOED_0.pdf</a> .....              | 9    |
| Douglas Lindsay, <i>The Military Is Growing Again but Capacity, Not Recruiting, Is the Real Test</i> , Military.com (Jan. 27, 2026, at 10:00 ET), <a href="https://www.military.com/feature/2026/01/26/military-growing-again-capacity-not-recruiting-real-test.html">https://www.military.com/feature/2026/01/26/military-growing-again-capacity-not-recruiting-real-test.html</a> .....                                                       | 11   |
| Douglas Yeung et al., <i>Recruiting Policies and Practices for Women in the Military: Views from the Field</i> , RAND Corp. (2017), <a href="https://www.rand.org/pubs/research_reports/RR1538.html">https://www.rand.org/pubs/research_reports/RR1538.html</a> .....                                                                                                                                                                           | 8    |
| Eric Edelman et al., Nat’l Def. Strategy Comm’n, <i>Providing for the Common Defense: The Assessment and Recommendations of the National Defense Strategy Commission</i> (2018), <a href="https://www.govinfo.gov/content/pkg/GOVPUB-D-PURL-gpo120140/pdf/GOVPUB-D-PURL-gpo120140.pdf">https://www.govinfo.gov/content/pkg/GOVPUB-D-PURL-gpo120140/pdf/GOVPUB-D-PURL-gpo120140.pdf</a> .....                                                    | 6, 7 |
| Evan Hydock, <i>Is the Military Recruiting Crisis Over? Not Quite.</i> , Geo. Sec’y Stud. R. (2025), <a href="https://gssr.georgetown.edu/the-forum/topics/defense/is-the-military-recruiting-crisis-over-not-quite/">https://gssr.georgetown.edu/the-forum/topics/defense/is-the-military-recruiting-crisis-over-not-quite/</a> .....                                                                                                          | 7    |
| Exec. Order No. 14182, Enforcing the Hyde Amendment, 90 Fed. Reg. 8751, 8751 (Jan. 24, 2025).....                                                                                                                                                                                                                                                                                                                                               | 12   |
| G. James Herrera, Cong. Rsch. Serv., R46559, <i>The Fundamentals of Military Readiness</i> (2020), <a href="https://sgp.fas.org/crs/natsec/R46559.pdf">https://sgp.fas.org/crs/natsec/R46559.pdf</a> .....                                                                                                                                                                                                                                      | 5, 6 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Hugh McClean, <i>The Military’s Abortion Crisis in the Aftermath of Dobbs v. Jackson Women’s Health Organization</i> ,<br>16 U.C. Irvine L. Rev. 1 (2026).....                                                                                                                                                                                                                                                                                                                                                            | 14   |
| <i>Interactive Map: US Abortion Policies</i> , Guttmacher Inst.<br>(last visited July 17, 2026), <a href="https://states.guttmacher.org/policies/">https://states.guttmacher.org/policies/</a> .....                                                                                                                                                                                                                                                                                                                      | 14   |
| Julianne McShane, <i>Department of Veterans Affairs Quietly Implements Abortion Ban</i> , MS Now (Dec. 23, 2025, at 11:30 ET),<br><a href="https://www.ms.now/news/abortion-ban-veterans-affairs-va">https://www.ms.now/news/abortion-ban-veterans-affairs-va</a> .....                                                                                                                                                                                                                                                   | 13   |
| Kristy N. Kamarck, Cong. Rsch. Serv., R42075, Women in<br>Combat: Issues for Congress (2016),<br><a href="https://www.congress.gov/crs_external_products/R/PDF/R42075/R42075.25.pdf">https://www.congress.gov/crs_external_products/R/PDF/<br/>R42075/R42075.25.pdf</a> .....                                                                                                                                                                                                                                             | 8    |
| Leon Panetta et al., Bipartisan Pol’y Ctr., <i>The Building Blocks of<br/>a Ready Military: People, Funding, Tempo</i> (2017),<br><a href="https://bipartisanpolicy.org/wp-content/uploads/2019/03/BPC-Defense-Military-Readiness.pdf">https://bipartisanpolicy.org/wp-content/uploads/2019/03/<br/>BPC-Defense-Military-Readiness.pdf</a> .....                                                                                                                                                                          | 6, 7 |
| Lisa S. Callegari & Sonya Borrero, <i>Abortion Care for Veterans-<br/>A Historic Step Forward</i> , 3 JAMA Health F. (2022),<br><a href="https://jamanetwork.com/journals/jama-health-forum/fullarticle/2798138">https://jamanetwork.com/journals/jama-health-<br/>forum/fullarticle/2798138</a> .....                                                                                                                                                                                                                    | 17   |
| Memorandum from Martin E. Dempsey, Chairman of the<br>Joint Chiefs of Staff & Leon E. Panetta, Sec’y of Def., to<br>Secretaries of the Military Departments (Jan. 24, 2013),<br><a href="https://www.womenvetsusa.org/cmsfiles/docs/rescission-of-1994-direct-ground-combat-definition-&amp;-assignment-rule-secdef-24-jan-2013.pdf?1774215191">https://www.womenvetsusa.org/cmsfiles/docs/rescission-of-<br/>1994-direct-ground-combat-definition-&amp;-assignment-rule-<br/>secdef-24-jan-2013.pdf?1774215191</a> ..... | 8    |
| Memorandum from Sarah W. Moore, Deputy Dir., Def. Travel Mgmt.<br>Off., Dep’t of Def. to Military Advisory Panel (Jan. 29, 2025),<br><a href="https://media.defense.gov/2025/jan/29/2003634768/-1/-1/0/utd_for_map_04-25(s)_remove-travel-for-non-covered-reproductive-health-care-services.pdf">https://media.defense.gov/2025/jan/29/2003634768/-1/-<br/>1/0/utd_for_map_04-25(s)_remove-travel-for-non-covered-<br/>reproductive-health-care-services.pdf</a> .....                                                    | 13   |

Off. Sen. Elizabeth Warren et al., *The “Defund” Disaster: How the Republican Attack on Planned Parenthood Is Hurting Patients and Raising Americans’ Health Care Costs* 1 (2026), [https://www.warren.senate.gov/wp-content/uploads/media/doc/\\_senate\\_defund\\_report.pdf](https://www.warren.senate.gov/wp-content/uploads/media/doc/_senate_defund_report.pdf).....14

Patricia Kime, *13 US Troops Killed, More Than 380 Wounded in Operation Epic Fury*, *Military Times* (Apr. 8, 2026), <https://www.militarytimes.com/news/your-military/2026/04/08/pentagon-data-13-us-troops-killed-346-wounded-in-operation-epic-fury/>.....6

Pete Hegseth, U.S. Sec’y of War, Address to General and Flag Officers at Quantico, Virginia (Sept. 30, 2025), <https://www.war.gov/News/Transcripts/Transcript/article/4318689/secretary-of-war-pete-hegseth-addresses-general-and-flag-officers-at-quantico-v/>.....6

Serra Sippel & Janessa Goldbeck, *Army Veterans Deserve Access to Abortion. The Senate Just Denied Them.*, *MS Now* (Mar. 26, 2026, at 12:04 ET), <https://www.ms.now/opinion/va-abortion-access-senate-vote> .....13

*Service Members’ Reproductive Health and Readiness: Hearing Before the Subcomm. on Mil. Pers. of the H. Comm. on Armed Servs.*, 117th Cong. (2022), <https://www.congress.gov/117/chrg/CHRG-117hrg51197/CHRG-117hrg51197.pdf> .....10, 11, 15

Shoshanna Ehrlich, *Three Women Veterans on the Devastating Reality of the VA Abortion Ban*, *Ms. Mag.* (Mar. 16, 2026, at 07:54 PT), <https://msmagazine.com/2026/03/15/women-veterans-abortion-health-pregnanc-emergency-rape-incest-total-ban-trump/>.....16

Steve Beynon, *Surge of Female Enlistments Helped Drive Army Success in Reaching 2024 Recruiting Goal*, *Military.com* (Jan. 9, 2025, 21:50 ET), <https://www.military.com/daily-news/2025/01/09/surge-of-female-enlistments-helped-drive-army-success-reaching-2024-recruiting-goal.html> .....8

Steve Walsh, *Faced With Obstacles to Abortion, Military Women Have Built Their Own Support System*, NPR (Oct. 30, 2024, at 05:00 ET), <https://www.npr.org/2024/10/29/nx-s1-5162443/women-in-the-military-abortion-roe-v-wade> .....14

The Heritage Foundation, *2026 Index of U.S. Military Strength* (Robert Peters, Daniel R. Green & Wilson Beaver, eds., 2026), [https://static.heritage.org/2026/Military\\_Index/2026\\_IndexOfUSMilitaryStrength.pdf](https://static.heritage.org/2026/Military_Index/2026_IndexOfUSMilitaryStrength.pdf) .....7

*Three Years Post-Dobbs, Abortion Providers Experience High Levels of Violence & Disruption*, Nat’l Abortion Fed. (Apr. 23, 2025), <https://nationalabortionfederation.org/three-years-post-dobbs-abortion-providers-experience-high-levels-of-violence-disruption/> .....17

Trevor Hunnicutt, *Restrictive Abortion Laws Hurting US Military, White House Says*, Reuters (July 17, 2023, at 18:23 ET), <https://www.reuters.com/world/us/restrictive-abortion-laws-hurting-morale-retention-us-military-w-house-2023-07-17/> .....10

U.S. Dep’t of Defense, *2024 Demographics: Profile of the Military Community*, <https://www.militaryonesource.mil/data-research-and-statistics/military-community-demographics/2024-demographics-profile/> .....8

U.S. Gov’t Accountability Off., GAO-20-61, *Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts* (2020), <https://www.gao.gov/assets/gao-20-61.pdf> .....7, 11

## INTRODUCTION AND INTEREST OF *AMICI*<sup>1</sup>

This case implicates military readiness—the ability to recruit, retain, and field a force ready for immediate deployment. Women are essential to that force. For female servicemembers, access to comprehensive reproductive healthcare, including abortion, is critical to maintaining the readiness on which our national security depends.

When access to care is restricted, servicemembers face delays, extended absences, and structural barriers that impair their ability to serve. The nature of military life compounds these burdens. Servicemembers cannot choose where they are stationed, must operate within rigid schedules and chains of command, and cannot easily arrange leave or travel for an in-person appointment. Nationwide abortion restrictions, layered on top of these constraints, make it harder for servicemembers to receive timely care and stay available for duty. These burdens carry systemic consequences: they undermine recruitment, increase attrition, and disrupt unit cohesion.

These are not speculative concerns. Restricted access has direct, measurable effects on unit readiness, personnel availability, and mission execution. Where permitted, telehealth allows servicemembers to obtain care efficiently, reducing

---

<sup>1</sup> This brief was not authored in whole or part by counsel for a party. No one other than *amici* and their counsel made a monetary contribution to the preparation or submission of the brief. *Amici* received consent from all parties to submit this brief.

disruptions to careers and unit operations. Reinstating the in-person dispensing requirement for mifepristone would impose predictable burdens—travel, delay, absence, attrition—that harm military readiness and national security.

*Amici* are U.S. military veterans, former civilian national security leaders, and a nonprofit that supports current and former servicemembers. Drawing on their expertise in military recruitment, readiness, medical care, and personnel, they submit this brief to explain how restricting access to mifepristone threatens military readiness and national security.

**The Honorable Louis Caldera** is the former Secretary of the Army and the former Director of the White House Military Office. He graduated from the U.S. Military Academy and began his military career as an Army officer. In his time as Secretary of the Army, he implemented changes to develop a more versatile and deployable force and led a reversal of recruiting shortfalls.

**The Honorable Deborah James** is the former Secretary of the Air Force and the former Assistant Secretary of Defense for Reserve Affairs. As Secretary of the Air Force, she led efforts to increase percentages of women and diverse candidates in applicant pools, to open more Air Force roles to women, and to extend the Post-Pregnancy Deployment Deferment from six to twelve months.

**U.S. Army Major General (Ret.) Paul Eaton** is the former Commanding General, Army Infantry Center and School. He gave 33 years of service to the

military, including as the Commanding General of the command charged with reestablishing Iraqi Security Forces from 2003 to 2004.

**U.S. Army Major General (Ret.) Tammy Smith** is the former Deputy Commanding General for Sustainment, Eighth U.S. Army, Korea, and the Former Special Assistant to the Assistant Secretary of the Army (Manpower and Reserve Affairs). In the latter role, and throughout her career, General Smith handled personnel policy, including readiness and family issues.

**U.S. Army Brigadier General (Ret.) Steven M. Anderson** is the former Director, Operations and Logistics Readiness for the U.S. Army. In that role, he led a staff responsible for all Army logistics readiness reporting and ran the Army's Logistics Operations Center.

**U.S. Army Brigadier General (Ret.) Robin B. Umberg** is a former Chief Nurse and Chief of Professional Services, 3rd Medical Command for the U.S. Army. She served in a variety of staff and command assignments throughout her 36 years of service, including in roles that had responsibility for battlefield readiness, training, and career management for more than 27,000 medical personnel.

**U.S. Navy Rear Admiral (LH) (Ret.) Michael S. Baker, M.D., F.A.C.S.** is a retired general and trauma surgeon who served in the Medical Corps, U.S. Navy. As a Navy officer, he held roles in operational medicine, combat deployments, medical intelligence, and strategic planning.

**U.S. Air Force Major General (Ret.) Patricia A. Rose** is a retired senior logistics and operational leader who served more than three decades in the U.S. Air Force. She commanded the 36th Aerial Port Squadron at McChord Air Force Base and later directed joint logistics operations in Southwest Asia in support of Operations Iraqi Freedom and Enduring Freedom. She also served in senior logistics leadership roles at U.S. Pacific Command and Air Force Materiel Command. Throughout her career, she held key positions in logistics, engineering, and security, with responsibility for sustainment, readiness, and force protection across global operations.

**Vet Voice Foundation** is a Washington, D.C.-based non-profit, non-partisan organization dedicated to strengthening the United States military and supporting the wellbeing of current and former servicemembers. Vet Voice Foundation has a particular interest in ensuring that policies affecting servicemembers and veterans reflect the realities of military life.

## ARGUMENT

Military readiness is a paramount national interest. As set forth below, reinstating the in-person dispensing requirement for mifepristone would make it harder for servicemembers to access reproductive healthcare, imposing substantial costs on readiness and national security. Telehealth access, including mail and pharmacy dispensing, allows servicemembers stationed in states that permit it to obtain essential care without extended travel or leave. This keeps personnel available, reduces unit disruption, and supports recruitment and retention.

### **I. Military Readiness Is Essential, and Women Are Critical to Maintaining It.**

National security requires the U.S. military to respond to global threats in real time. Personnel must be trained, available, and ready for deployment. Women are essential to meeting this need. They fill critical roles at every level, represent a significant share of the recruitable population, and contribute directly to force capacity. Ensuring their access to reproductive healthcare, including abortion, is vital to sustaining a mission-ready military.

“Military readiness” is the capacity to “produce, deploy, and sustain military forces that will perform successfully in combat.”<sup>2</sup> Without sufficient readiness,

---

<sup>2</sup> G. James Herrera, Cong. Rsch. Serv., R46559, *The Fundamentals of Military Readiness* 1 (2020), <https://sgp.fas.org/crs/natsec/R46559.pdf>.

adversaries may perceive diminished capability, increasing the risk of conflict.<sup>3</sup> This readiness is particularly urgent today, given ongoing global conflicts in the Middle East. As of April 2026, the U.S. military had more than 50,000 personnel in the region.<sup>4</sup> The Administration has warned that this is a time of “urgency” and growing threats, and that the military “must be prepared.”<sup>5</sup>

Capable personnel are the foundation of military readiness. They must be physically prepared and able to respond to threats quickly. A key part of readiness is the ability “to rapidly mobilize, deploy, and redeploy” troops.<sup>6</sup> “Speed matters,” especially when confronting global challenges in real time.<sup>7</sup> Barriers to healthcare, including reproductive healthcare, slow operations down by forcing servicemembers to take extended leave or delaying their return to duty.

While the U.S. military remains among the most powerful in the world, its readiness cannot be assumed. A March 2026 Heritage Foundation study concluded

---

<sup>3</sup> Leon Panetta et al., Bipartisan Pol’y Ctr., *The Building Blocks of a Ready Military: People, Funding, Tempo* 18–19 (2017), <https://bipartisanpolicy.org/wp-content/uploads/2019/03/BPC-Defense-Military-Readiness.pdf>.

<sup>4</sup> Patricia Kime, *13 US Troops Killed, More Than 380 Wounded in Operation Epic Fury*, Military Times (Apr. 8, 2026), <https://www.militarytimes.com/news/your-military/2026/04/08/pentagon-data-13-us-troops-killed-346-wounded-in-operation-epic-fury/>.

<sup>5</sup> Pete Hegseth, U.S. Sec’y of War, Address to General and Flag Officers at Quantico, Virginia (Sept. 30, 2025), <https://www.war.gov/News/Transcripts/Transcript/article/4318689/secretary-of-war-pete-hegseth-addresses-general-and-flag-officers-at-quantico-v/>.

<sup>6</sup> Herrera, *supra* note 2, at 7.

<sup>7</sup> Eric Edelman et al., Nat’l Def. Strategy Comm’n, *Providing for the Common Defense: The Assessment and Recommendations of the National Defense Strategy Commission* 33, 66 (2018), <https://www.govinfo.gov/content/pkg/GOVPUB-D-PURL-gpo120140/pdf/GOVPUB-D-PURL-gpo120140.pdf>.

that the U.S. military “is burdened by readiness levels that are more problematic than they should be” and “is at significant risk of not being able to defend America’s vital national interests with assurance.”<sup>8</sup>

Readiness depends on recruiting personnel who are prepared to fight when needed.<sup>9</sup> Retention is equally critical. Units with consistent personnel are more effective than those relying on fill-in soldiers.<sup>10</sup> When servicemembers leave, units lose cohesion and operational effectiveness.<sup>11</sup> Despite recent improvements, recruitment and retention remain persistent challenges.<sup>12</sup>

Given these challenges, the military benefits from recruiting and retaining women. Department of Defense leaders have long recruited female servicemembers to “maintain and improve mission readiness.”<sup>13</sup> As of 2024, women made up about

---

<sup>8</sup> The Heritage Foundation, *2026 Index of U.S. Military Strength* 547, 553 (Robert Peters, Daniel R. Green & Wilson Beaver, eds., 2026), [https://static.heritage.org/2026/Military\\_Index/2026\\_IndexOfUSMilitaryStrength.pdf](https://static.heritage.org/2026/Military_Index/2026_IndexOfUSMilitaryStrength.pdf).

<sup>9</sup> See Panetta, *supra* note 3, at 5; Edelman, *supra* note 7, at xi.

<sup>10</sup> Ben Kesling, *The Military Recruiting Crisis: Even Veterans Don’t Want Their Families to Join*, Wall St. J. (June 30, 2023, 00:01 ET), <https://www.wsj.com/politics/military-recruiting-crisis-veterans-dont-want-their-children-to-join-510e1a25>.

<sup>11</sup> See *id.*

<sup>12</sup> See Evan Hydock, *Is the Military Recruiting Crisis Over? Not Quite.*, Geo. Sec’y Stud. R. (2025), <https://gssr.georgetown.edu/the-forum/topics/defense/is-the-military-recruiting-crisis-over-not-quite/>; Aaron Sobczak, *High Attrition Rates and Increased Waivers Muddy Enlistment Numbers*, Responsible Statecraft (Mar. 10, 2025), <https://responsiblestatecraft.org/military-attrition-rates-high>.

<sup>13</sup> U.S. Gov’t Accountability Off., GAO-20-61, *Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts* 1–2 (2020) (“GAO Report”), <https://www.gao.gov/assets/gao-20-61.pdf>.

18% of the active-duty force.<sup>14</sup> Women represent a highly recruitable population with strong potential for advancement.<sup>15</sup>

Since the Women’s Armed Services Integration Act of 1948, women have increasingly filled essential roles across the military.<sup>16</sup> Women have long served on the front lines—in combat vessels, aircraft, and other combat roles.<sup>17</sup> In 2013, the federal government rescinded a ground combat exclusion rule, allowing women to serve in direct ground combat to help “remov[e] as many barriers as possible to joining, advancing, and succeeding in the U.S. Armed Forces.”<sup>18</sup> Ensuring women’s continued participation is critical to sustaining military readiness.

## **II. Timely Access to Reproductive Healthcare, Including Abortion, Is Essential to Military Readiness.**

Restrictions on abortion directly impair military readiness. When servicemembers cannot access reproductive healthcare efficiently, they face

---

<sup>14</sup> U.S. Dep’t of Defense, 2024 Demographics: Profile of the Military Community 18, <https://www.militaryonesource.mil/data-research-and-statistics/military-community-demographics/2024-demographics-profile/>.

<sup>15</sup> Steve Beynon, *Surge of Female Enlistments Helped Drive Army Success in Reaching 2024 Recruiting Goal*, Military.com (Jan. 9, 2025, 21:50 ET), <https://www.military.com/daily-news/2025/01/09/surge-of-female-enlistments-helped-drive-army-success-reaching-2024-recruiting-goal.html>.

<sup>16</sup> Douglas Yeung et al., *Recruiting Policies and Practices for Women in the Military: Views from the Field*, RAND Corp. 1–2 (2017), [https://www.rand.org/pubs/research\\_reports/RR1538.html](https://www.rand.org/pubs/research_reports/RR1538.html).

<sup>17</sup> See Kristy N. Kamarck, Cong. Rsch. Serv., R42075, *Women in Combat: Issues for Congress* 6–7 (2016), [https://www.congress.gov/crs\\_external\\_products/R/PDF/R42075/R42075.25.pdf](https://www.congress.gov/crs_external_products/R/PDF/R42075/R42075.25.pdf).

<sup>18</sup> Memorandum from Martin E. Dempsey, Chairman of the Joint Chiefs of Staff & Leon E. Panetta, Sec’y of Def., to Secretaries of the Military Departments 1 (Jan. 24, 2013), <https://www.womenvetsusa.org/cmsfiles/docs/rescission-of-1994-direct-ground-combat-definition-&-assignment-rule-secdef-24-jan-2013.pdf?1774215191>.

extended absences, delayed treatment, and forced choices between their health and careers—all of which undermine deployability, recruitment, and retention. Telehealth access to mifepristone, including mail or pharmacy dispensing, mitigates these harms. In states that permit such access, servicemembers can obtain abortion without delay, leaving unit effectiveness undisturbed. Louisiana’s requested relief, which seeks to reimpose the in-person dispensing requirement for mifepristone, threatens this access and would harm military readiness.

**A. Limited access to reproductive healthcare impedes the deployability, recruitment, and retention of servicemembers.**

Access to abortion affects physical preparedness. When abortion is not readily accessible, servicemembers may have to take extended leave and travel long distances. Those disruptions hinder a servicemember’s ability to serve and ripple through unit operations. Units that are not fully staffed cannot respond quickly, and units relying on fill-in soldiers are less effective.<sup>19</sup> Delayed or denied care can also cause serious health consequences that require additional leave or separation from the military, further eroding readiness.<sup>20</sup> Where permitted, telehealth access to mifepristone mitigates these ripple effects. *See infra* Section II.C.

---

<sup>19</sup> Kesling, *supra* note 10.

<sup>20</sup> See Daniel Grossman et al., *Care Post-Roe: Documenting Cases of Poor-Quality Care Since the Dobbs Decision*, Advancing New Standards in Repro. Health 11–14, 19 (2024), [https://www.ansirh.org/sites/default/files/2024-09/ANSIRH%20Care%20Post-Roe%20Report%209.04.24\\_FINAL%20EMBARGOED\\_0.pdf](https://www.ansirh.org/sites/default/files/2024-09/ANSIRH%20Care%20Post-Roe%20Report%209.04.24_FINAL%20EMBARGOED_0.pdf).

Government officials have recognized that barriers to reproductive healthcare weaken readiness by hurting recruitment and retention. After *Dobbs*, then-Pentagon Under Secretary of Defense for Personnel and Readiness Gilbert R. Cisneros, Jr. warned that abortion barriers could drive attrition, noting that “some service members may choose to leave the military altogether” because they cannot get care.<sup>21</sup> At a Congressional hearing on servicemembers’ reproductive health and readiness, Representative Jackie Speier cautioned that abortion restrictions “creat[e] a real incentive for women not to serve.”<sup>22</sup>

Servicemembers themselves report the same impact. In 2023, active-duty servicemembers confirmed that barriers to reproductive access “are impacting their willingness to continue to serve in the military,” creating a “retention and morale issue.”<sup>23</sup> Active-duty members testified before Congress that restricted access “degrades morale,” “affects retention,” and could discourage new recruits from joining the military altogether.<sup>24</sup>

---

<sup>21</sup> Alex Horton & Rachel Roubein, *Abortion Ruling Will Worsen Military Personnel Crisis, Pentagon Says*, Wash. Post (July 29, 2022, at 17:17 ET), <https://www.washingtonpost.com/national-security/2022/07/29/military-abortion-recruiting/>.

<sup>22</sup> *Service Members’ Reproductive Health and Readiness: Hearing Before the Subcomm. on Mil. Pers. of the H. Comm. on Armed Servs.*, 117th Cong. 17 (2022) (“Hearing”), <https://www.congress.gov/117/chr/CHRG-117hhr51197/CHRG-117hhr51197.pdf>.

<sup>23</sup> Trevor Hunnicutt, *Restrictive Abortion Laws Hurting US Military, White House Says*, Reuters (July 17, 2023, at 18:23 ET), <https://www.reuters.com/world/us/restrictive-abortion-laws-hurting-morale-retention-us-military-w-house-2023-07-17/>.

<sup>24</sup> Hearing, *supra* note 22, at 22 (testimonies of Sharon Arana & Theresa Mozzillo).

Accessible reproductive healthcare directly supports retention. Women are more likely than men to leave military service, and the ability to control whether and when to have children contributes to women's higher departure rates.<sup>25</sup> Reproductive healthcare access also affects retention for all servicemembers, including men.<sup>26</sup> When a servicemember's spouse or dependent cannot access care, the servicemember may take extended leave or depart from the military entirely.<sup>27</sup> The effects of limiting access to reproductive healthcare extend beyond individual servicemembers to their families and, ultimately, to the military as a whole.

**B. Federal policies already restrict abortion access for servicemembers and veterans, making further restrictions even more burdensome for servicemembers' ability to access timely care.**

Abortion access for servicemembers is already limited by federal statute and policy. These restrictions make it all the more important that servicemembers not be forced to navigate additional barriers, like a nationwide in-person dispensing requirement for mifepristone.

---

<sup>25</sup> See GAO Report, *supra* note 13, at 2, 11, 29; see also Douglas Lindsay, *The Military Is Growing Again but Capacity, Not Recruiting, Is the Real Test*, Military.com (Jan. 27, 2026, at 10:00 ET), <https://www.military.com/feature/2026/01/26/military-growing-again-capacity-not-recruiting-real-test.html> (citing stable family support as a consideration for retention across the military).

<sup>26</sup> See Hearing, *supra* note 22, at 22 (testimony of Theresa Mozzillo).

<sup>27</sup> Notwithstanding federal restrictions on providing abortion to servicemembers, the federal government can extend, and indeed has previously extended, some reproductive healthcare benefits to recipients of TRICARE—government-managed health insurance for military servicemembers and veterans—and their dependents. See *infra* Section II.B (describing travel allowances offered under the Biden Administration). Those benefits would be enjoyed by female dependents of male policyholders, in addition to female policyholders serving in the military.

Federal law bars the Department of Defense from using funds to provide abortions “except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of . . . rape or incest.”<sup>28</sup> Unless those exceptions apply, “[n]o medical treatment facility or other facility of the Department of Defense may be used to” provide an abortion.<sup>29</sup> In practice, servicemembers seeking non-covered abortions must pay out-of-pocket and travel to non-military providers. These restrictions already burden servicemembers significantly. Telehealth abortion access, where permitted, eases these financial and logistical burdens by cutting the costs of traveling to an in-person clinic.

In January 2025, President Trump issued an Executive Order purporting to reinforce the Hyde Amendment.<sup>30</sup> The order revoked Biden-era executive orders protecting abortion access and directed agencies to develop guidance enforcing the Hyde Amendment.<sup>31</sup>

After the Executive Order, federal agencies made two significant policy changes affecting servicemembers and veterans. First, in early 2025, the Department of Defense rescinded regulations authorizing transportation allowances for

---

<sup>28</sup> 10 U.S.C. § 1093(a).

<sup>29</sup> *Id.* § 1093(b).

<sup>30</sup> Exec. Order No. 14182, Enforcing the Hyde Amendment, 90 Fed. Reg. 8751, 8751 (Jan. 24, 2025).

<sup>31</sup> *Id.*

servicemembers to travel for reproductive healthcare, making such travel, which is already burdensome, even more difficult.<sup>32</sup> Second, in December 2025, the Department of Veterans Affairs stopped providing abortions to veterans and their dependents—even in cases involving serious health risks, rape, or incest.<sup>33</sup>

Federal law and policy already significantly burden access to abortion for servicemembers, veterans, and their families. Telehealth access to mifepristone in states that permit it is therefore a key channel that allows servicemembers to obtain timely care despite federal restrictions. Reinstating the in-person dispensing requirement would disrupt that channel, compounding the burdens described above.

**C. State restrictions on abortion impose additional barriers on servicemembers and veterans seeking reproductive healthcare nationwide.**

Beyond federal restrictions, servicemembers and veterans face significant obstacles to accessing reproductive healthcare at the state level, leaving telehealth as an increasingly critical remaining pathway to timely care.

---

<sup>32</sup> Memorandum from Sarah W. Moore, Deputy Dir., Def. Travel Mgmt. Off., Dep't of Def. to Military Advisory Panel (Jan. 29, 2025), [https://media.defense.gov/2025/jan/29/2003634768/-1/-1/0/utd\\_for\\_map\\_04-25\(s\)\\_remove-travel-for-non-covered-reproductive-health-care-services.pdf](https://media.defense.gov/2025/jan/29/2003634768/-1/-1/0/utd_for_map_04-25(s)_remove-travel-for-non-covered-reproductive-health-care-services.pdf).

<sup>33</sup> See Julianne McShane, *Department of Veterans Affairs Quietly Implements Abortion Ban*, MS Now (Dec. 23, 2025, at 11:30 ET), <https://www.ms.now/news/abortion-ban-veterans-affairs-va>; see also Serra Sippel & Janessa Goldbeck, *Army Veterans Deserve Access to Abortion. The Senate Just Denied Them.*, MS Now (Mar. 26, 2026, at 12:04 ET), <https://www.ms.now/opinion/va-abortion-access-senate-vote>.

Since *Dobbs*, abortion access has been severely curtailed in many states. As of this writing, 25 states significantly restrict abortion.<sup>34</sup> These restrictions have compounding effects—not just for women in those states, but for women nationwide seeking reproductive healthcare. In states where abortion remains available, clinics are overwhelmed with patients, including those traveling from out of state.<sup>35</sup> Clinic closures have further reduced provider availability,<sup>36</sup> meaning that even servicemembers stationed in states where abortion is legal may have to travel far or wait longer to receive in-person care—burdens that telehealth access to mifepristone, where permitted, avoids entirely.

These nationwide access challenges compound the unique burdens of military service.<sup>37</sup> Servicemembers who need in-person abortion care must often report their pregnancy up the chain of command, obtain commander approval to travel, and navigate unpredictable deployments to locations not of their choosing.<sup>38</sup> These

---

<sup>34</sup> See *Interactive Map: US Abortion Policies*, Guttmacher Inst. (last visited July 17, 2026), <https://states.guttmacher.org/policies/>.

<sup>35</sup> See Alyssa Goldberg, *People Are Flocking Out-of-State for Abortion Care. Clinics Are Fighting to Keep Up*, USA Today (Mar. 18, 2025, at 11:59 ET), <https://www.usatoday.com/story/life/health-wellness/2025/03/05/abortion-clinic-fund-travel-sustainability/80697629007/>.

<sup>36</sup> See Off. Sen. Elizabeth Warren et al., *The “Defund” Disaster: How the Republican Attack on Planned Parenthood Is Hurting Patients and Raising Americans’ Health Care Costs* 1 (2026), [https://www.warren.senate.gov/wp-content/uploads/media/doc/\\_senate\\_defund\\_report.pdf](https://www.warren.senate.gov/wp-content/uploads/media/doc/_senate_defund_report.pdf).

<sup>37</sup> See generally Br. for Pet. at \*7–8, *Struck v. Sec’y of Def.*, 409 U.S. 1071 (1972) (No. 72-178), 1972 WL 135840.

<sup>38</sup> See Hugh McClean, *The Military’s Abortion Crisis in the Aftermath of Dobbs v. Jackson Women’s Health Organization*, 16 U.C. Irvine L. Rev. 1, 8–11 (2026); see also Steve Walsh, *Faced With Obstacles to Abortion, Military Women Have Built Their Own Support System*, NPR (Oct.

hurdles are unique to servicemembers; telehealth access to mifepristone by mail, in states where such care is permitted, eliminates them entirely.

Even in states where abortion is available, servicemembers encounter long drives, scheduling hurdles, and fear of professional consequences. One active-duty servicemember testified before Congress that to obtain an abortion, she drove 3.5 hours from the base where she was stationed, only to discover she was subject to a three-day mandatory delay period.<sup>39</sup> Given her training schedule, she was forced to delay her care, eventually obtaining it in another state.<sup>40</sup> Another active-duty servicemember testified that the idea of disclosing her pregnancy to male-dominated leadership made her feel “devastated, lost, and alone.”<sup>41</sup> She feared her military career would “fall[] apart” if she had to discuss her pregnancy with leadership.<sup>42</sup> She was ultimately able to book a Saturday appointment at an abortion clinic to avoid the “critical hurdle” of requesting time off.<sup>43</sup> For servicemembers who do request

---

30, 2024, at 05:00 ET), <https://www.npr.org/2024/10/29/nx-s1-5162443/women-in-the-military-abortion-roe-v-wade>.

<sup>39</sup> Hearing, *supra* note 22, at 5 (testimony of Sharon Arana).

<sup>40</sup> *Id.* at 5–6.

<sup>41</sup> *Id.* at 7 (testimony of Theresa Mozzillo).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

time off to obtain an abortion, there is no guarantee that their supervisor will grant the request.<sup>44</sup>

A 2025 study confirmed these experiences across a broader population. Among 178 servicemembers who obtained an abortion while on active duty, more than half took personal leave to access care, almost half traveled more than one hour, and almost a third experienced adverse professional consequences.<sup>45</sup>

Requiring servicemembers and veterans to obtain in-person care from unfamiliar civilian providers also imposes unique psychological burdens—particularly for those with service-related trauma—that telehealth can mitigate. Andrea Goldstein, a lieutenant commander in the U.S. Navy Reserve with over 16 years of service, described the unique barriers servicemembers face when forced to seek in-person care from unfamiliar civilian providers:

I far prefer to get my medical care through the VA because the providers there are trauma- and service-informed. They understand and are specifically trained with cultural competency regarding my experience. Being forced to go to a private clinic for something as personal as reproductive healthcare, to sit in an unfamiliar waiting room and put myself in the hands of a provider who may not be equipped to treat someone with military trauma is daunting. Telemedicine removes those barriers. It lets you access care from the privacy of your own home, on

---

<sup>44</sup> See Shoshanna Ehrlich, *Three Women Veterans on the Devastating Reality of the VA Abortion Ban*, Ms. Mag. (Mar. 16, 2026, at 07:54 PT), <https://msmagazine.com/2026/03/15/women-veterans-abortion-health-pregnanc-emergency-rape-incest-total-ban-trump/>.

<sup>45</sup> Caitlin Russell et al., *Policy Knowledge and Abortion Access for US Active-Duty Servicewomen: A Mixed-Methods Study*, 71 J. Midwifery & Women's Health 46, 48–51 (2025), <https://pmc.ncbi.nlm.nih.gov/articles/PMC12914618/>.

your own terms, without that uncomfortable and potentially unsafe in-person experience.<sup>46</sup>

Servicemembers and veterans may also face protestors or harassment at non-military facilities that provide abortion.<sup>47</sup> These burdens—unfamiliar providers, lack of trauma-informed care, and exposure to harassment—are not just personal inconveniences: they deter servicemembers from seeking care, delay treatment, and reduce personnel available for duty. By contrast, telehealth access to mifepristone allows servicemembers to obtain care in the comfort and privacy of their own homes.

Veterans face particular challenges. After serving their country, many confront chronic health conditions from military service that complicate reproductive healthcare decisions.<sup>48</sup> They also tend to become pregnant at older ages, which raises the risk of pregnancy complications.<sup>49</sup> Recent Department of Veterans Affairs policy changes make these barriers worse. Without telehealth access to mifepristone,

---

<sup>46</sup> Email Exchange with Ms. Goldstein (May 4, 2026).

<sup>47</sup> See *Three Years Post-Dobbs, Abortion Providers Experience High Levels of Violence & Disruption*, Nat'l Abortion Fed. (Apr. 23, 2025), <https://nationalabortionfederation.org/three-years-post-dobbs-abortion-providers-experience-high-levels-of-violence-disruption/>; see also Carrie N. Baker, 'Barrage of Harassment, Intimidation and Violent Attacks' on Abortion Clinics, Says National Abortion Federation, Ms. Mag. (Apr. 25, 2025), <https://msmagazine.com/2025/04/25/harassment-intimidation-violence-abortion-clinics-doctors-providers-national-federation/>.

<sup>48</sup> See, e.g., Lisa S. Callegari & Sonya Borrero, *Abortion Care for Veterans—A Historic Step Forward*, 3 JAMA Health F. 1 (2022), <https://jamanetwork.com/journals/jama-health-forum/fullarticle/2798138>.

<sup>49</sup> *Id.*

servicemembers and veterans in states that permit such care would lose a critical remaining pathway to timely reproductive healthcare.

**D. Telehealth abortion mitigates access barriers and strengthens military readiness.**

Telehealth access to mifepristone directly mitigates the readiness harms described above. For servicemembers stationed where they can access reproductive healthcare remotely, telehealth keeps personnel available, reduces the need for command-level involvement, lessens unit disruption, and allows servicemembers to keep doing their jobs.

Under current rules, where state law permits, patients can have a telehealth evaluation and receive mifepristone by mail—no travel, leave protocols, or command approval required. For servicemembers (especially those stationed at remote installations), telehealth is not merely convenient; it is often the only realistic way to receive timely care. Servicemembers who cannot access mifepristone through telehealth face far more dangerous alternatives, such as delayed care, travel under hazardous conditions, or no care at all—each carrying significantly higher medical risks.

Reinstating the in-person dispensing requirement for mifepristone would impose substantial burdens at every level. At the individual level, servicemembers would face medical, reputational, and professional consequences. At the unit level, absences would reduce operational effectiveness. At the system level, the military

would face harms to preparedness, recruitment, and retention. Together, these burdens would degrade overall military readiness.

Louisiana argues that reinstating the in-person dispensing requirement for mifepristone will not cause the intervenor-manufacturers any cognizable irreparable harm and that the equities therefore favor Louisiana. *See* Br. Pls.-Appellants, Dkt. 147, at 63-69. That fails to consider the impact on military readiness, and the harms described above, which fall on servicemembers, their units, and the Nation's defense operations.

A stay of the 2023 REMS and imposing an in-person dispensing requirement for mifepristone would reintroduce barriers to care that will harm military readiness and, in turn, national security. The Nation's security depends on the military's ability to deploy troops effectively during active conflict. Harms to military readiness tip the balance decisively against Louisiana's requested relief.

### **CONCLUSION**

For these reasons, the Court should affirm the district court and deny Appellants' request to stay the 2023 REMS and to reimpose the in-person dispensing requirement for mifepristone.

Dated: July 22, 2026

Respectfully submitted,

KATHERINE EPSTEIN  
*Counsel of Record*  
HECKER FINK LLP  
1050 K St. NW, Suite 1040  
Washington, D.C. 20001  
212-763-0883  
kepstein@heckerfink.com

MADELINE VERNIERO  
HECKER FINK LLP  
350 Fifth Ave., 63rd Floor  
New York, New York 10118

*Counsel for Amici Curiae*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically with the Court's CM/ECF system on July 22, 2026. Service will be effectuated by the Court's electronic notification system upon all parties and counsel of record.

Dated: July 22, 2026  
Washington, D.C.

/s/ Katherine Epstein  
Katherine Epstein

*Counsel for Amici Curiae*

### **CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 32(a) of the Federal Rules of Appellate Procedure, Katherine Epstein, hereby certifies that according to the word count feature of the word processing program used to prepare this brief, the brief contains 4,085 words excluding the parts of the brief exempted by Fed. R. App. P. 32(f), and complies with the typeface requirements and length limits of Rules 27, 29, and 32(a)(5)-(7) and the corresponding local rules.

/s/ Katherine Epstein  
Katherine Epstein

*Counsel for Amici Curiae*

*United States Court of Appeals*FIFTH CIRCUIT  
OFFICE OF THE CLERKLYLE W. CAYCE  
CLERKTEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

July 23, 2026

Katherine Epstein  
Hecker Fink, L.L.P.  
1050 K Street, N.W.  
Suite 1040  
Washington, DC 20001No. 26-30203      State of Louisiana v. FDA  
USDC No. 6:25-CV-1491

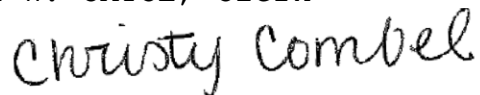
Dear Epstein,

You must submit the 6 paper copies of your brief required by 5th Cir. R. 31.1 within 5 days of the date of this notice pursuant to 5th Cir. ECF Filing Standard E.1.

If your brief was insufficient and required corrections, the paper copies of your brief must **not** contain a header noting "RESTRICTED". Therefore, please be sure that you print your paper copies **from this notice of docket activity** and not the proposed sufficient brief filed event so that it will contain the proper filing header. Alternatively, you may print the sufficient brief directly from your original file without any header.

Sincerely,

LYLE W. CAYCE, Clerk

By: \_\_\_\_\_  
Christy M. Combel, Deputy Clerk  
504-310-7651

cc:

Mr. John N. Adcock  
Mr. Jorge Benjamin Aguinaga  
Mr. Erik Baptist  
Mr. Cody S. Barnett  
Mr. Andrew Marshall Bernie  
Ms. Julie Marie Blake  
Mr. Brennan Tyler Brooks  
Ms. Mary J. Browning  
Ms. Yael Hannah Caplan  
Mr. Charles Cicero III  
Ms. Chelsea Corey  
Ms. Deborah Jane Dewart  
Ms. Margaret Dotzel

Ms. Jessica Lynn Ellsworth  
Mr. John Patrick Elwood  
Ms. Carrie Yvette Flaxman  
Mr. Eugene M. Gelernter  
Ms. Heather Gebelin Hacker  
Ms. Erin Morrow Hawley  
Ms. Jillian Horowitz  
Ms. Alyssa Howard  
Ms. Caitlin Ann Huettemann  
Mr. Michael T. Johnson  
Mr. Robert J. Katerberg  
Mr. Noah T. Katzen  
Mr. Thomas S. Leatherbury  
Mr. Robert Bradley Lewis  
Ms. Meghan K. Matt  
Ms. Gabriella McIntyre  
Ms. Katherine McKay  
Ms. Hilarie M. Meyers  
Mr. Horatio Gabriel Mihet  
Mr. Christopher Ernest Mills  
Ms. Rachel N. Morrison  
Mr. William Brock Most  
Ms. Ester Murdukhayeva  
Ms. Lisa Newman  
Ms. Daphne O'Connor  
Mr. Allan Edward Parker Jr.  
Ms. Kimberly A. Parker  
Ms. Dana A. Raphael  
Ms. Abby Rudzin  
Ms. Jo-Ann Tamila Sagar  
Mr. Max Sarinsky  
Ms. Linda Boston Schlueter  
Mr. Alan E. Schoenfeld  
Mr. William B. Schultz  
Ms. Clara Simone Spera  
Mr. Mathew D. Staver  
Ms. Danielle Desaulniers Stempel  
Ms. Olivia F. Summers  
Mr. David H. Thompson  
Ms. Maria Michelle Uzeta  
Mr. John Marc Wheat  
Mrs. Hadiya Williams  
Mr. Daniel Winik  
Ms. Megan Marie Wold  
Mr. Daniel W. Wolff