

IN THE SUPREME COURT OF THE UNITED STATES

No. 19-1392

THOMAS E. DOBBS, M.D., M.P.H., STATE HEALTH OFFICER OF THE
MISSISSIPPI DEPARTMENT OF HEALTH, ET AL., PETITIONERS

v.

JACKSON WOMEN'S HEALTH ORGANIZATION, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO PARTICIPATE
IN ORAL ARGUMENT AS AMICUS CURIAE, FOR DIVIDED ARGUMENT,
AND FOR ENLARGEMENT OF TIME FOR ARGUMENT

Pursuant to Rule 28 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as an amicus curiae supporting respondents; that the time allotted for oral argument be enlarged to 65 minutes; and that the United States be allowed 15 minutes of argument time. Respondents have consented to this motion and have agreed to cede ten minutes of their argument time to the United States. Petitioners have consented to the United States'

participation in oral argument, but do not consent to an enlargement of argument that would entail unequal time for petitioners' and respondents' sides of the case.

This case concerns the constitutionality of Mississippi's Gestational Age Act (the Act), Miss. Code Ann. § 41-41-191. With narrow exceptions, the Act prohibits abortion after 15 weeks' gestation. In defending the Act, petitioners ask the Court to overrule its precedents recognizing that the Fourteenth Amendment protects a woman's right to choose whether to terminate a pregnancy before viability. The United States has a substantial interest in the proper interpretation of the Fourteenth Amendment and principles of stare decisis.

The United States has previously presented oral argument as amicus curiae in cases involving related issues. For example, the government participated in oral argument as amicus curiae in June Medical Services L. L. C. v. Russo, 140 S. Ct. 2103 (2020), Whole Woman's Health v. Hellerstedt, 136 S. Ct. 2292 (2016), and Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992). In light of the substantial federal interest in the proper interpretation of the Fourteenth Amendment and principles of stare decisis, the United States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

BRIAN H. FLETCHER
Acting Solicitor General
Counsel of Record

SEPTEMBER 2021