

**In the  
Supreme Court of the United States**

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THOMAS E. DOBBS, STATE HEALTH OFFICER OF THE  
MISSISSIPPI DEPARTMENT OF HEALTH, ET AL., PETITIONERS

v.

JACKSON WOMEN'S HEALTH ORGANIZATION, ET AL.,  
RESPONDENTS

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ON PETITION FOR WRIT OF CERTIORARI TO THE U.S. COURT OF  
APPEALS FOR THE FIFTH CIRCUIT  
IN SUPPORT OF PETITIONERS

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**MOTION OF HANNAH S. FOR LEAVE TO PARTICIPATE IN ORAL  
ARGUMENT AS *AMICUS CURIAE* AND FOR ENLARGEMENT OF TIME  
FOR ORAL ARGUMENT**

Counsel for *Amicus* Hannah S., the first known former frozen human embryo to file an *Amicus Curiae* Brief in the U.S. Supreme Court, pursuant to Rule 28, humbly requests leave for an additional five minutes of Oral Argument in support of Petitioners to present the argument that with today's in vitro fertilization techniques, viability outside the womb, "albeit with artificial aid," begins at fertilization.

1. Oral Argument would provide assistance to the Court not otherwise available, because Mississippi has not emphasized this issue. Never before in

history, to our knowledge, has a formerly frozen human embryo appeared and argued before the Court as an *Amicus Curiae* party.

2. This is an extraordinary and unusual request, but Hannah’s brief and her life experience as a former frozen human embryo, viable outside the womb from the moment of fertilization, “albeit with artificial aid,” in the words of *Roe v. Wade*,<sup>1</sup> give her a unique perspective to represent the importance of protecting human life from the moment of fertilization.

3. The State respectfully opposes the relief requested in *Amicus's* motion, and believes that *Amicus's* position is adequately stated in *Amicus's* brief. Respondents do not consent.

4. To the best of our knowledge, never before in history has a former frozen embryo stood before this Court. Hannah S., a former frozen embryo who filed an *Amicus Curiae* brief in this Court on July 27, 2021, requests an additional five minutes for Oral Argument. Her position is different, but not contradictory to that of the State of Mississippi, which has enacted a law allowing regulation of abortion after 15 weeks gestation. Allowing argument from Hannah S. would provide assistance to this Court on the question presented: Whether all previability prohibitions on abortion are legal. Hannah S. has a unique perspective as a formerly

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<sup>1</sup> “Viable, ... potentially able to live outside the mother’s womb, albeit with artificial aid.” *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 205, 35 L.Ed. 2d 147, at 160 (1973).

frozen human embryo, viable outside the womb, “albeit with artificial aid,” through scientific advances not available to the Court in 1973. She argues **the viability line should be moved back to the time of fertilization**, if the Court chooses to keep viability as the standard.

Wherefore, premises considered, Hannah S. respectfully requests an additional five minutes to participate in Oral Argument in support of Petitioners.

Respectfully Submitted,

Mary J. Browning  
Counsel of Record for *Amicus Curiae*  
Allan E. Parker, Jr.  
R. Clayton Trotter  
The Justice Foundation  
8023 Vantage Drive, Suite 1275  
San Antonio, TX 78230  
Email:  
[mary@maryjbrowninglaw.com](mailto:mary@maryjbrowninglaw.com)