



Jeff Landry  
Attorney General

**State of Louisiana**  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
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BATON ROUGE  
70804-9005

September 26, 2023

Scott S. Harris  
Clerk of the U.S. Supreme Court  
One First Street, N.E.  
Washington, D.C. 20543  
(202) 479-3000

**Re: *Murthy, et al. v. Missouri, et al.*, No. 23A243 – Fifth Circuit’s  
Order Recalling the Mandate and Ordering Briefing on Petition  
for Panel Rehearing**

Dear Mr. Harris:

We write to advise the Court of a significant procedural development in the lower court in the above-captioned case.

As noted in our letter of yesterday, on September 25, 2023, the U.S. Court of Appeals for the Fifth Circuit issued an order granting panel rehearing.

Today, the U.S. Court of Appeals for the Fifth Circuit issued a new order, attached. This order withdraws the order of yesterday granting panel rehearing. The new order recalls the Fifth Circuit’s mandate; orders the Government to respond to Plaintiffs-Appellees’ Petition for Panel Rehearing by September 28, 2023, at 12:00 p.m.; and stays the district court’s preliminary injunction pending resolution of the Petition for Panel Rehearing. *See* Order, No. 23-30445 (5th Cir. Sept. 26, 2023) (attached).

Respectfully submitted,

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*Solicitor General*

*Counsel of Record*

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Enclosure

cc: Counsel for Petitioners

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

September 26, 2023


MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-30445 State of Missouri v. Biden  
USDC No. 3:22-CV-1213

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: Shea E. Pertuit, Deputy Clerk  
504-310-7666

Mr. Travis Christopher Barham  
Mr. John B. Bellinger III  
Mr. Simon Christopher Brewer  
Mr. Brennan Tyler Brooks  
Mr. Jonathon Christian Burns  
Mr. Jay R. Carson  
Mr. David Anthony Dalia  
Mr. Joshua M. Divine  
Mr. Christopher A. Ferrara  
Mr. Leonid Goldstein  
Mr. Jon Marshall Greenbaum  
Mr. David A. Greene  
Mr. Gene Patrick Hamilton  
Mr. R. Stanton Jones  
Mr. Glynn Shelly Maturin II  
Mr. Christopher Ernest Mills  
Mr. Tony R. Moore  
Ms. Elizabeth Baker Murrill  
Mr. William Jeffrey Olson  
Mr. Dean John Sauer  
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Mr. John Julian Vecchione  
Mr. Henry Charles Whitaker

Mr. Daniel Winik  
Mr. Scott L. Winkelman  
Mr. Stephen K. Wirth  
Ms. Jenin Younes  
Ms. Grace Zhou

United States Court of Appeals  
for the Fifth Circuit

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No. 23-30445

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STATE OF MISSOURI; STATE OF LOUISIANA; AARON KHERIATY;  
MARTIN KULLDORFF; JIM HOFT; JAYANTA BHATTACHARYA;  
JILL HINES,

*Plaintiffs—Appellees,*

*versus*

JOSEPH R. BIDEN, JR.; VIVEK H. MURTHY; XAVIER BECERRA;  
DEPARTMENT OF HEALTH & HUMAN SERVICES; ANTHONY  
FAUCI; ET AL.,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:22-CV-1213

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UNPUBLISHED ORDER

Before CLEMENT, ELROD, and WILLETT, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that the court order entered on September 25,  
2023, is withdrawn.

IT IS FURTHER ORDERED that the mandate issued forthwith, on September 11, 2023, is recalled.

IT IS FURTHER ORDERED that the Appellants are directed to file a response to the petition for rehearing by September 28, 2023, at 12:00 p.m.

IT IS FURTHER ORDERED that the preliminary injunction issued on July 4, 2023, by the United States District Court for the Western District of Louisiana will remain STAYED pending resolution of Appellees' petition for panel rehearing.