

23-727 IDAHO V. UNITED STATES

DECISION BELOW: 23-35450

LOWER COURT CASE NUMBER: 23-35440, 23-35450

QUESTION PRESENTED:

WHETHER EMTALA PREEMPTS STATE LAWS THAT PROTECT HUMAN LIFE AND PROHIBIT ABORTIONS, LIKE IDAHO'S DEFENSE OF LIFE ACT.

ORDER OF JANUARY 5, 2024

THE APPLICATIONS FOR STAY PRESENTED TO JUSTICE KAGAN AND BY HER REFERRED TO THE COURT ARE GRANTED.

THE PRELIMINARY INJUNCTION ISSUED ON AUGUST 24, 2022, BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO, CASE NO. 1:22-cv-00329, IS STAYED. THE APPLICATIONS FOR STAY ARE ALSO TREATED AS PETITIONS FOR WRITS OF CERTIORARI BEFORE JUDGMENT, AND THE PETITIONS ARE GRANTED ON THE QUESTION PRESENTED IN IDAHO'S APPLICATION.

CONSOLIDATED WITH 23-726 FOR 1 HOUR FOR ORAL ARGUMENT. THE CLERK IS DIRECTED TO ESTABLISH A BRIEFING SCHEDULE THAT WILL ALLOW THE CASE TO BE ARGUED IN THE APRIL 2024 ARGUMENT SESSION. THE STAY SHALL TERMINATE UPON THE SENDING DOWN OF THE JUDGMENT OF THIS COURT.

DISMISSED AS IMPROVIDENTLY GRANTED

CERT. GRANTED 1/5/2024