

15-274 WHOLE WOMAN'S HEALTH V. HELLERSTEDT

DECISION BELOW: 790 F.3d 563

LOWER COURT CASE NUMBER: 14-50928

QUESTION PRESENTED:

I.

In *Planned Parenthood of Southeastern Pennsylvania v. Casey*, this Court reaffirmed that the decision to end a pregnancy prior to viability is a fundamental liberty protected by the Due Process Clause. 505 U.S. 833, 845-46 (1992). It held that a restriction on this liberty is impermissible if it amounts to an undue burden. *Id.* at 876-77. Under this standard, states may not enact "[u]nnecessary health regulations that have the purpose or effect of presenting a substantial obstacle to a woman seeking an abortion." *Id.* at 878.

The questions presented are:

- (a) When applying this standard, does a court err by refusing to consider whether and to what extent laws that restrict abortion for the stated purpose of promoting health actually serve the government's interest in promoting health?
- (b) Did the Fifth Circuit err in concluding that this standard permits Texas to enforce, in nearly all circumstances, laws that would cause a significant reduction in the availability of abortion services while failing to advance the State's interest in promoting health-or any other valid interest?

II

Did the Fifth Circuit err in holding that res judicata provides a basis for reversing the district court's judgment in part?

CERT. GRANTED 11/13/2015