

**FILED**

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**JUL 3 2019**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**FOR THE NINTH CIRCUIT**

STATE OF CALIFORNIA, by and through  
Attorney General Xavier Becerra,

Plaintiff-Appellee,

v.

ALEX M. AZAR II, in his Official Capacity  
as Secretary of the U.S. Department of  
Health & Human Services; U.S.  
DEPARTMENT OF HEALTH & HUMAN  
SERVICES,

Defendants-Appellants.

No. 19-15974

D.C. No. 3:19-cv-01184-EMC  
Northern District of California,  
San Francisco

**ORDER**

ESSENTIAL ACCESS HEALTH, INC.;  
MELISSA MARSHALL, M.D.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, Secretary of U.S.  
Department of Health and Human Services;  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

Defendants-Appellants.

No. 19-15979

D.C. No. 3:19-cv-01195-EMC

STATE OF OREGON; STATE OF NEW YORK; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF MARYLAND; COMMONWEALTH OF MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NORTH CAROLINA; COMMONWEALTH OF PENNSYLVANIA; STATE OF RHODE ISLAND; STATE OF VERMONT; COMMONWEALTH OF VIRGINIA; STATE OF WISCONSIN; AMERICAN MEDICAL ASSOCIATION; OREGON MEDICAL ASSOCIATION; PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.; PLANNED PARENTHOOD OF SOUTHWESTERN OREGON; PLANNED PARENTHOOD COLUMBIA WILLAMETTE; THOMAS N. EWING, M.D.; MICHELE P. MEGREGIAN, C.N.M.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; DIANE FOLEY; OFFICE OF POPULATION AFFAIRS,

Defendants-Appellants.

No. 19-35386

D.C. Nos. 6:19-cv-00317-MC  
6:19-cv-00318-MC

STATE OF WASHINGTON; NATIONAL  
FAMILY PLANNING AND  
REPRODUCTIVE HEALTH  
ASSOCIATION; FEMINIST WOMEN'S  
HEALTH CENTER; DEBORAH OYER,  
M.D.; TERESA GALL,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, in his official capacity  
as Secretary of the United States Department  
of Health and Human Services; UNITED  
STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES; DIANE  
FOLEY, MD, in her official capacity as  
Deputy Assistant Secretary for Population  
Affairs; OFFICE OF POPULATION  
AFFAIRS,

Defendants-Appellants.

No. 19-35394

D.C. Nos. 1:19-cv-03040-SAB  
1:19-cv-03045-SAB

**THOMAS**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that these cases be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel Order on Motions for Stay Pending Appeal in these cases shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Graber, Christen, and Owens did not participate in the deliberations or vote in these cases.