

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-13930-AA

PLANNED PARENTHOOD SOUTHEAST, INC.,
on behalf of its patients, physicians and staff,
REPRODUCTIVE HEALTH SERVICES,
on behalf of its patients, physicians and staff,
JUNE AYERS,
RN,
KIWANA BROOKS,
Administrator of Plaintiff PPSE's Mobile Health Center,

Plaintiffs - Appellees,

SHANEKA DAVIS, et al.,

Plaintiffs,

versus

GOVERNOR OF ALABAMA, et al.,

Defendants,

ATTORNEY GENERAL, STATE OF ALABAMA,
BRANDON K. FALLS,
in his official capacity as District Attorney of Jefferson County, Alabama,
ASHLEY RICH,
in her official capacity as District Attorney of Mobile County, Alabama,
DONALD E. WILLIAMSON, MD,
in his official capacity as State Health Officer of the State of Alabama,
DARYL BAILEY,

Defendants - Appellants.

Appeal from the United States District Court
for the Middle District of Alabama

Before: MARCUS, WILSON and MARTIN, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Defendants-Appellants have appealed from the district court's August 4, 2014, order granting initial declaratory relief in favor of Plaintiffs-Appellees and extending an agreed temporary restraining order. The district court's order is not final or appealable at this time. *See* 28 U.S.C. § 1291. The order left unresolved Plaintiffs-Appellees' demand for permanent injunction relief. *See Riley v Kennedy*, 553 U.S. 406, 419, 128 S.Ct.1970, 1981 (2008) ("We have long held that an order resolving liability without addressing a plaintiff's request for relief is not final"). And the temporary restraining order, having been extended with the consent of all parties, remains a nonappealable order. *See Fernandez-Roque v. Smith*, 671 F.2d 426, 429-30 (11th Cir. 1982). Finally, the district court has not certified the order as final under Federal Rule of Civil Procedure 54(b). *See Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012). All pending motions, including Appellants' motion to stay the briefing schedule, are DENIED as moot.

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

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October 08, 2014

Debra P. Hackett
U.S. District Court
PO BOX 711
MONTGOMERY, AL 36101-0711

Appeal Number: 14-13930-AA
Case Style: Planned Parenthood Southeast,, et al v. Daryl Bailey, et al
District Court Docket No: 2:13-cv-00405-MHT-TFM

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

JOHN LEY, Clerk of Court

Reply to: David L. Thomas, AA
Phone #:

Enclosure(s)

DIS-4 Multi-purpose dismissal letter