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Judge Denies Relief for El Paso Abortion Clinic

A federal judge has denied an El Paso abortion clinic temporary relief from a new state requirement that physicians who provide abortions obtain hospital admitting privileges.

BY **CATHALEEN QIAO CHEN** APRIL 16, 2014 7 PM



An abortion procedure room at the Whole Woman's Health ambulatory surgical center in San Antonio. Ben Philpott



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As part of a [second lawsuit](#) filed by a coalition of abortion providers against strict abortion regulations passed by the Republican-led Legislature in July, the Center for Reproductive Rights and its allies sought a temporary restraining order for the Reproductive Services clinic in El Paso.

Earlier this month, doctors at the clinic lost admitting privileges at a nearby hospital, forcing the clinic to cancel future appointments.

At Wednesday's court hearing, District Judge Lee Yeakel rejected the abortion provider's claim that women in the area now face an "undue burden" by having to travel across the state border to New Mexico to obtain abortions.

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"We can slice it and dice it any way we want and talk about the exceptions and differences," Yeakel said at the hearing. But he added that the evidence presented to him did not satisfy the "full elements necessary" for temporary relief from the admitting privileges rule, which supporters say improves safety standards.

Stephanie Toti, a senior staff attorney for the Center for Reproductive Rights, which is representing the coalition of abortion providers, argued that the admitting privileges rule would force abortion seekers in El Paso to travel to New Mexico, where providers are not required to have privileges.



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Appeals [already rejected](#) these claims in another lawsuit — filed by the same coalition of abortion providers — that challenged the hospital admitting privileges provision.

“It feels like we were just here,” Blacklock said. “We’ve got the same parties, the same lawyers, and the 5th Circuit has just ruled and we’re all bound to follow that decision.”

Following Yeakel's decision, the abortion providers withdrew a [request](#) for temporary exemption that involved another clinic, Whole Woman's Health in McAllen, which recently [closed](#) as a result of the new regulations.

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“We’re disappointed that the judge denied our request for temporary relief,” Toti said. “But we’re still hopeful that ultimately justice will prevail in this case and that safe, high-quality abortion services will continue to be available for women in Texas.”

The coalition of abortion providers will proceed with the lawsuit, which also challenges new regulations that require abortion facilities to meet the same structural standards as ambulatory surgical centers.

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providers in the state — only 10 of which still perform the procedure — must upgrade their facilities to meet ambulatory surgical center requirements by September, when the rules go into effect.

Several other lawsuits that involve similar admitting privileges provisions are making their way through federal courts in other states. Yeakel said it's likely that at least one of the cases will reach the U.S. Supreme Court. In his final remarks, he encouraged both parties to expedite their litigations plans.

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