

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

Deborah S. Hunt
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Re: Case No. 18-3329, *Preterm-Cleveland, et al v. Lance Himes, et al*
Originating Case No. : 1:18-cv-00109

Dear Counsel,

The court has corrected the order that was filed in this case on Friday, December 13, 2019 by striking Judge Batchelder's name from the listing of the en banc court. Attached is a copy of the corrected order.

Please note that this correction does not change the filing date of the order nor the briefing schedule that issued separately in this case on Friday, December 13, 2019.

Yours very truly,

Deborah S. Hunt, Clerk

Cathryn Lovely
Deputy Clerk

cc: Mr. Richard W. Nagel

Enclosure

RECOMMENDED FOR FULL-TEXT PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 19a0295p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

PRETERM-CLEVELAND; PLANNED PARENTHOOD
SOUTHWEST OHIO REGION; WOMEN’S MED GROUP
PROFESSIONAL CORPORATION; ROSLYN KADE, M.D.;
PLANNED PARENTHOOD OF GREATER OHIO,

Plaintiffs-Appellees,

v.

LANCE HIMES, Director, Ohio Department of Health;
KIM G. ROTHERMEL, Secretary, State Medical Board
of Ohio; BRUCE R. SAFERIN, Supervising Member,
State Medical Board of Ohio,

Defendants-Appellants.

No. 18-3329

Appeal from the United States District Court
for the Southern District of Ohio at Cincinnati.
No. 1:18-cv-00109—Timothy S. Black, District Judge.

Decided and Filed: December 13, 2019

Before: COLE; Chief Judge; MOORE, CLAY, GIBBONS,
SUTTON, GRIFFIN, KETHLEDGE, WHITE, STRANCH, DONALD,
THAPAR, BUSH, LARSEN, NALBANDIAN, and READLER, Circuit Judges.*

ORDER

A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Sixth Circuit rule 35(b) provides as follows:

*Judge Murphy recused himself from participation in this case.

No. 18-3329

Preterm-Cleveland v. Himes

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The effect of the granting of a hearing en banc shall be to vacate the previous opinion and judgment of this court, to stay the mandate and to restore the case on the docket sheet as a pending appeal.

Accordingly, it is ORDERED, that the previous decision and judgment of this court are vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style. The signature is positioned above a horizontal line.

Deborah S. Hunt, Clerk