

FILED: July 21, 2022

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 21-1369  
(3:21-cv-00508-MGL)

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PLANNED PARENTHOOD SOUTH ATLANTIC, on behalf of itself, its patients, and its physicians and staff; GREENVILLE WOMEN'S CLINIC, on behalf of itself, its patients, and its physicians and staff; TERRY L. BUFFKIN, M.D., on behalf of himself and his patients

Plaintiffs - Appellees

v.

ALAN WILSON, in his official capacity as Attorney General of South Carolina; WILLIAM WALTER WILKINS, III, in his official capacity as Solicitor for South Carolina's 13th Judicial Circuit

Defendants - Appellants

HENRY DARGAN MCMASTER, in his official capacity as Governor of the State of South Carolina; G. MURRELL SMITH, JR., in his official capacity as Speaker of the South Carolina House of Representatives

Intervenors - Appellants

and

ANNE G. COOK, in her official capacity as President of the South Carolina Board of Medical Examiners; STEPHEN I. SCHABEL, in his official capacity as Vice President of the South Carolina Board of Medical Examiners; RONALD JANUCHOWSKI, in his official capacity as Secretary of the South Carolina Board of Medical Examiners; JIM C. CHOW, in his official capacity as a Member of the South Carolina Board of Medical Examiners; GEORGE S. DILTS, in his official capacity as a Member of the South Carolina Board of Medical Examiners;

DION FRANGA, in his official capacity as a Member of the South Carolina Board of Medical Examiners; RICHARD HOWELL, in his official capacity as a Member of the South Carolina Board of Medical Examiners; THERESA MILLS-FLOYD, in her official capacity as a Member of the South Carolina Board of Medical Examiners; JEFFREY A. WALSH, in his official capacity as a Member of the South Carolina Board of Medical Examiners; CHRISTOPHER C. WRIGHT, in his official capacity as a Member of the South Carolina Board of Medical Examiners; BYRON E. GIPSON, in his official capacity as Solicitor for South Carolina's 5th Judicial Circuit; EDWARD SIMMER, in his official capacity as Director of the South Carolina Department of Health and Environmental Control; SCARLETT A. WILSON, in her official capacity as Solicitor for South Carolina's 9th Judicial Circuit

### Defendants

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THE AMERICAN CENTER FOR LAW AND JUSTICE; ETHICS AND RELIGIOUS LIBERTY COMMISSION; AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS; CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS; CATHOLIC MEDICAL ASSOCIATION; INSTITUTE FOR FAITH AND FAMILY; WORLD FAITH FOUNDATION; STATE OF ALABAMA; STATE OF ALASKA; STATE OF ARKANSAS; STATE OF GEORGIA; STATE OF IDAHO; STATE OF INDIANA; STATE OF KANSAS; STATE OF KENTUCKY; STATE OF LOUISIANA; STATE OF MISSISSIPPI; STATE OF MISSOURI; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF NORTH DAKOTA; STATE OF OHIO; STATE OF OKLAHOMA; STATE OF TENNESSEE; STATE OF TEXAS; STATE OF UTAH; STATE OF WEST VIRGINIA; LAW PROFESSORS; PROLIFE CENTER AT THE UNIVERSITY OF ST. THOMAS (MN)

### Amici Supporting Appellant

VIRGINIA; CALIFORNIA; COLORADO; HAWAII; CONNECTICUT; ILLINOIS; MAINE; MARYLAND; MASSACHUSETTS; MICHIGAN; MINNESOTA; NEVADA; NEW JERSEY; NEW MEXICO; NEW YORK; OREGON; PENNSYLVANIA; RHODE ISLAND; VERMONT; WASHINGTON; DISTRICT OF COLUMBIA; AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS; AMERICAN MEDICAL ASSOCIATION; AMERICAN ACADEMY OF NURSING; AMERICAN

ACADEMY OF FAMILY PHYSICIANS; AMERICAN ACADEMY OF PEDIATRICS; AMERICAN COLLEGE OF NURSE-MIDWIVES; AMERICAN COLLEGE OF PHYSICIANS; AMERICAN GYNECOLOGICAL AND OBSTETRICAL SOCIETY; AMERICAN PSYCHIATRIC ASSOCIATION; AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE; NURSE PRACTITIONERS IN WOMENS HEALTH; SOCIETY OF FAMILY PLANNING; SOCIETY OF GYNECOLOGIC ONCOLOGY; SOCIETY FOR MATERNAL-FETAL MEDICINE; SOCIETY OF OB/GYN HOSPITALISTS

Amici Supporting Appellee

STATE OF ARIZONA

Amicus Supporting Rehearing Petition

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O R D E R

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Upon consideration of Defendants-Appellants' motion for summary vacatur in light of *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022), the court vacates its previous opinion in this case, vacates the district court's preliminary injunction, and remands the case to the district court.

Defendants-Appellants' motion to reconsider the denial of rehearing en banc as moot is denied. The supplemental briefing order is vacated, and the mandate shall issue forthwith.

Entered at the direction of Judge Thacker with the concurrence of Judge King and Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk