

REVISED December 19, 2019

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2019

Lyle W. Cayce
Clerk

No. 19-30982

JUNE MEDICAL SERVICES, L.L.C., on behalf of its patients, physicians, and staff, doing business as Hope Medical Group for Women; JOHN DOE 1, Medical Doctor; JOHN DOE 2, Medical Doctor; JOHN DOE 3, Medical Doctor,

Plaintiffs - Appellees

v.

REBEKAH GEE, in her official capacity as Secretary of the Louisiana Department of Health and Hospitals; JEFF LANDRY, in his official capacity as Attorney General of Louisiana; JAMES E. STEWART, SR., in his official capacity as District Attorney for Caddo Parish,

Defendants - Appellants

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:16-CV-444

Before HAYNES, GRAVES, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Defendants-Appellants seek relief from the district court's November 25, 2019 Ruling and Order denying Defendants' Motion for Limited Relief from the protective order designating the documents at issue, among others, as confidential and not subject to public disclosure. Plaintiffs-Appellees filed a motion to dismiss, arguing lack of subject matter jurisdiction, which is DENIED.

In connection with their filing in the United States Supreme Court in the related matter in which certiorari was recently granted, *June Medical Services v. Gee*, Nos. 18-1460, 18-1323 (U.S. Oct. 4, 2019) ("*June I*"), Defendants seek to submit as evidence three sealed documents and their attachments. Defendants further request that we *nostra sponte* unseal the documents at issue either *in toto* or for the limited purpose of filing with the Supreme Court. This court granted appellants' motion to expedite this appeal based on the December 26 filing deadline in *June I*. Appellants have not identified which issues, if any, are not affected by that deadline, and we have only decided the issue of whether we should unseal the documents to facilitate their filing in the briefing of *June I*. On the showing made, we decline to undo the protective order solely in order to facilitate supplementing the record before the Supreme Court in *June I*.

Although we acknowledge the overbroad nature of the district court's protective order, *see* Protective Order, *June Medical Services v. Gee*, No. 3:16-cv-00444-BAJ-RLB, (M.D. La. Feb. 22, 2018), our focus here is on the reason for the request to the district court, the denial of which is now before us: supplementing the record before the Supreme Court. The question of what documents, if any, the Supreme Court should consider in deciding *June I* is not for us to resolve. That decision is within the purview and prerogative of the Court.

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Accordingly, we AFFIRM, without prejudice, on that ground, noting that Defendants-Appellants maintain the right to request permission to supplement the *June I* record from the Supreme Court.