

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; BATCHELDER, 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.

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.

Deborah S. Hunt, Clerk