

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

WEST ALABAMA WOMEN'S)	
CENTER, et al., on behalf)	
of themselves and their)	
patients,)	
)	
Plaintiffs,)	
)	
)	CIVIL ACTION NO.
v.)	2:15cv497-MHT
)	(WO)
DR. THOMAS M. MILLER, in)	
his official capacity as)	
State Health Officer,)	
et al.,)	
)	
Defendants.)	

AMENDED PRELIMINARY-INJUNCTION ORDER

Having reassessed its ruling under Ex Parte Young, 209 U.S. 123 (1908) and Summit Medical Associates, P.C. v. Pryor, 180 F.3d 1326 (11th Cir. 1999), which provide that an injunction may only issue against a state officer to restrain him from enforcing an unconstitutional statute if that officer has some responsibility for enforcing the statute, the court

concludes that the preliminary injunction should have enjoined those defendants who have some responsibility for enforcing each of the challenged statutes. Accordingly, it is ORDERED that the preliminary injunction previously entered (doc. no. 116) is amended as follows:

- (1) The motion for a preliminary injunction (doc. no. 53), filed by the plaintiffs, West Alabama Women's Center, Willie J. Parker, M.D., Alabama Women's Center, and Yashica Robinson White, M.D., is granted.
- (2) The defendants, the Alabama State Health Officer, the Alabama Attorney General, and the district attorneys for Tuscaloosa and Madison Counties, and all those acting in concert with them are each preliminarily ENJOINED and RESTRAINED from enforcing the State of Alabama's fetal-demise law, 1975 Ala. Code § 26-23G-1 et seq., until further order of the court. This injunction does not extend to the

private civil-enforcement provisions of the fetal-demise law.

(3) Defendant, the Alabama State Health Officer, and all those acting in concert with him are each preliminarily ENJOINED and RESTRAINED from enforcing the State of Alabama's school-proximity law, 1975 Ala. Code § 22-21-35.

(4) The bond requirement of Fed. R. Civ. P. 65(c) is waived.

DONE, this the 18th day of November, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE