

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

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March 31, 2011

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Appeal Number: 11-11021-HH ; 11-11067 -HH
Case Style: State of Florida, et al v. U. S. Department of HHS, et al
District Court Docket No: 3:10-cv-00091-RV-EMT

The following action has been taken in the referenced case:

The enclosed order has been ENTERED.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Regina Veals-Gillis (ABM)
Phone #: (404) 335-6163

CLERK
DISTRICT CT.
SOUTHERN DIST. FLA.
TALLAHASSEE, FLA.

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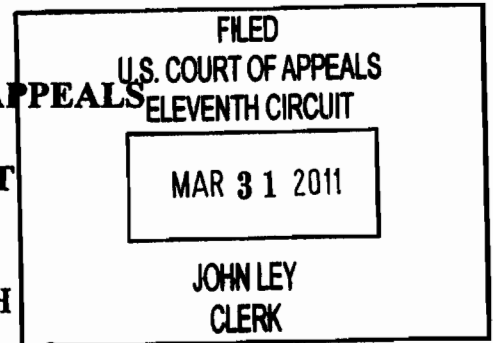
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Filed 04/04/11 USDC F114 PM 0106

MOT-2 Notice of Court Action

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

Nos. 11-11021-HH & 11-11067-HH



STATE OF FLORIDA, by and through Pam Bondi Attorney General,
STATE OF SOUTH CAROLINA, by and through Alan Wilson Attorney General,
ET AL.,

Plaintiffs - Appellees - Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
KATHLEEN SEBELIUS, in her official capacity as the Secretary of the United
States Department of Health and Human Services,
ET AL.,

Defendants - Appellants- Cross-Appellees.

On Appeal from the United States District Court for the
Northern District of Florida

ON PETITION FOR HEARING EN BANC

ORDER:

The Court having been polled at the request of several members of the Court and a majority of the Circuit Judges who are in regular service not having voted in favor of it,(Rule 35, Federal Rules of Appellate Procedure), Appellees' Petition for Initial Hearing En Banc is DENIED.

Consistent with the Court's March 11, 2011, Order granting in part

Appellants' motion to expedite this appeal, this appeal shall also be expedited to oral argument and shall be heard at oral argument on Wednesday, June 8, 2011, at 9:30 A.M. in Atlanta, Georgia before a three-judge panel randomly selected. Each side will be given one hour to present oral arguments.

Further, consistent with Eleventh Circuit I.O.P. 7 (Identity of Panel), following Fed.R.App. 34, the identity of the panel which will hear oral argument will be disclosed no earlier than fourteen days in advance of oral argument.


CHIEF JUDGE