

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

STATE OF FLORIDA, by and  
through Bill McCollum, et al.,

Plaintiffs,

v.

Case No.: 3:10-cv-91-RV/EMT

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
et al.,

Defendants.

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**ORDER**

On June 14, 2010, I entered an order noting that the court had received numerous inquires from “organizations and individuals” expressing an interest in filing amicus curiae briefs in this important case. After acknowledging that there might conceivably be helpful contributions from amici, I set forth an orderly procedure for providing an opportunity to do so. But, I concluded that amicus briefs would not be allowed at the motion to dismiss stage. Now pending before the court are motions from three state Attorneys General (doc. 57), and four state governors (doc. 59), all of whom seek to participate as “state amici” and file briefs in support of the defendants’ motion to dismiss.<sup>1</sup>

After reading their motions, it appears that the proposed state amici might have positions and arguments that may be helpful to the court during the merits-phase of this case. However, it does not appear that they have anything especially

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<sup>1</sup> In addition to seeking leave to file their brief, the Attorneys General seek clarification as to whether such state actors fall under the phrase “organizations and individuals.” They do.

useful to add at the motion to dismiss stage, which is concerned primarily with discrete legal issues such as standing and ripeness.

Accordingly, these motions (docs. 57 and 59) are both DENIED, but with leave to renew them if the case survives dismissal.

DONE and ORDERED this 25<sup>th</sup> day of June, 2010.

*/s/ Roger Vinson* \_\_\_\_\_  
ROGER VINSON  
Senior United States District Judge