

Opinion issued July 12, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00480-CV

**IN RE KEN PAXTON, IN HIS OFFICIAL CAPACITY AS ATTORNEY
GENERAL OF TEXAS, TEXAS MEDICAL BOARD, STEPHEN BRINT
CARLTON, TEXAS BOARD OF NURSING, KATHERINE A. THOMAS,
TEXAS HEALTH AND HUMAN SERVICES COMMISSION, CECILE
ERWIN YOUNG, TEXAS BOARD OF PHARMACY, AND TIM TUCKER,
Relators**

**On Appeal from the 269th District Court
Harris County, Texas
Trial Court Case No. 2022-38397**

Relators, Attorney General Ken Paxton, Texas Medical Board, Stephen Brint Carlton, Texas Board of Nursing, Katherine A. Thomas, Texas Health and Human Services Commission, Cecile Erwin Young, Texas Board of Pharmacy,

and Tim Tucker filed a petition for writ of mandamus* to vacate the trial court's

June 28, 2022 temporary restraining order that enjoined:

Defendants, their officers, agents, servants, employees, and attorneys, and those person in active concert or participation with them, from enforcing the Pre-Roe Ban against Plaintiffs or their physicians, nurses, pharmacists, or other staff.

* The underlying case is *Whole Woman's Health, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Whole Woman's Health Alliance, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Alamo City Surgery Center PLLC d/b/a Alamo Women's Reproductive Services, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Brookside Women's Medical Center PA d/b/a Brookside Women's Health Center and Austin Women's Health Center, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Houston Women's Clinic, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Houston Women's Reproductive Services, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; and Southwestern Women's Surgery Center, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients v. Ken Paxton, in his official capacity as Attorney General of Texas; Texas Medical Board; Stephen Brint Carlton, in his official capacity as Executive Director of the Texas Medical Board; Texas Board of Nursing; Katherine A. Thomas, in her official capacity as Executive Director of the Texas Board of Nursing; Texas Health and [Human] Services Commission; Cecile Erwin Young, in her official capacity as Executive Commissioner of the Texas Health and Human Services Commission; Texas Board of Pharmacy; Tim Tucker, in his official capacity as Executive Director of the Texas Board of Pharmacy; Jose Garza, in his capacity as District Attorney for Travis County, TX; Joe Gonzales, in his official capacity as District Attorney for Bexar County, TX; Kim Ogg, in her official capacity as District Attorney for Harris County, TX; John Creuzot, in his official capacity as District Attorney for Dallas County, TX; Sharon Wilson, in her official capacity as District Attorney for Tarrant County, TX; Ricardo Rodriguez, Jr., in his official capacity as District Attorney for Hidalgo County, TX; and Greg Wilson, in his official capacity as District Attorney for Collin County, TX, No. 2022-38397, pending in the 269th District Court of Harris County, Texas, the Honorable Christine Weems, presiding for purpose of temporary restraining order by virtue of exchange of benches.*

We deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a). We dismiss the relators' emergency motion for relief as moot.

PER CURIAM

Panel consists of Justices Kelly, Countiss, and Rivas-Molloy.