

United States Court of Appeals
Fifth Circuit

UNITED STATES COURT OF APPEALS

FILED

March 23, 2012

FOR THE FIFTH CIRCUIT

Clerk, U.S. District Court
Southern District of Texas
FILED

Lyle W. Cayce
Clerk

JUN 14 2012

No. 11-40789

David J. Bradley, Clerk of Court

D.C. Docket No. 2:11-CV-84

M.D., by next friend Sarah R. Stukenberg; D.I., by next friend Nancy G. Pofahl; Z.H., by next friend Carla B. Morrison; S.A., by next friend Javier Solis; A.M., by next friend Jennifer Talley; J.S., by next friend Anna J. Ricker; K.E., by next friend John W. Cliff, Jr.; D.P., by next friend Karen J. Langsley; T.C., by next friend Paul Swacina,

Plaintiffs - Appellees

v.

RICK PERRY, in his official capacity as Governor of the State of Texas; THOMAS SUEHS, in his official capacity as Executive Commissioner of the Health and Human Services Commission of the State of Texas; HOWARD BALDWIN, in his official capacity as Commissioner of the Department of Family and Protective Services of the State of Texas,

Defendants - Appellants

Appeal from the United States District Court for the
Southern District of Texas, Corpus Christi

Before GARZA, CLEMENT, and SOUTHWICK, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is vacated, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that appellees pay to appellants the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE:

**A True Copy
Attest**

Clerk, U.S. Court of Appeals, Fifth Circuit

By: _____
Deputy

New Orleans, Louisiana