

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2012 NOV 27 AM 9:30

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

PLANNED PARENTHOOD §  
ASSOCIATION OF HIDALGO COUNTY §  
TEXAS, INC.; PLANNED §  
PARENTHOOD ASSOCIATION OF §  
LUBBOCK, INC.; PLANNED §  
PARENTHOOD OF CAMERON AND §  
WILLACY COUNTIES; FAMILY §  
PLANNING ASSOCIATES OF SAN §  
ANTONIO; PLANNED PARENTHOOD §  
OF CENTRAL TEXAS; PLANNED §  
PARENTHOOD OF GULF COAST, INC.; §  
PLANNED PARENTHOOD OF NORTH §  
TEXAS, INC.; PLANNED §  
PARENTHOOD OF WEST TEXAS, INC.; §  
AND PLANNED PARENTHOOD OF §  
AUSTIN FAMILY PLANNING, INC.; §  
PLAINTIFFS, §

V. §

CIVIL NO. A-12-CV-322-LY

KYLE L. JANEK, EXECUTIVE §  
COMMISSIONER, TEXAS HEALTH §  
AND HUMAN SERVICES §  
COMMISSION, §  
DEFENDANT. §

**ORDER DISMISSING CASE**

Before the court in the above styled and numbered cause are Plaintiffs' Motion to Abstain and Dismiss Without Prejudice, filed November 6, 2012 (Clerk's Doc. No. 52) and Defendant's Response to Plaintiffs' Motion to Abstain and Dismiss Without Prejudice, filed November 9, 2012 (Clerk's Doc. No. 54).<sup>1</sup> By their motion, Plaintiffs inform the court that they have filed a state-court lawsuit in the 261st District Court of Travis County, Texas, challenging the same administrative

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<sup>1</sup> On November 9, 2012, the court granted the Defendant's motion to substitute Thomas M. Suehs with the new Executive Commissioner of the Texas Health and Human Services Commission, Kyle L. Janek (Clerk's Doc. No. 55).

regulation that is the subject of this action. *See Planned Parenthood of Greater Tex. Family Planning & Preventative Health Servs., Inc., et al. v. Tex. Health & Human Servs. Comm'n, et al.*, No. D-1-GN-12-003365. Plaintiffs, therefore, request that the court dismiss this action without prejudice. Having considered the motion and record in this cause, the court will grant Plaintiffs' motion to the extent that they seek to dismiss this case without prejudice.

**IT IS THEREFORE ORDERED** that Plaintiffs' Motion to Abstain and Dismiss Without Prejudice (Clerk's Doc. No. 52) is **GRANTED** to the following extent: This cause of action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that each party shall bear its own costs.

SIGNED this 27<sup>th</sup> day of November, 2012.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE