

EV D 11/1/00

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

U.S. COURT OF APPEALS
FILED

OCT 18 2000

CHARLES R. FULBRUGE III
CLERK

No. 00-41112

3:93CV65

JENEVA FRAZAR, Etc.; ET AL,

FILED-CLERK
U.S. DISTRICT COURT
09 OCT 23 PM 2:48
TX, EASTERN-DISTRICT OF TEXAS
Plaintiffs

JAMES CURTIS BROWN; CRYSTAL NOELEVOL BROWN; JEREMIAH
DEMARK PHILLIPS; RUSSELL KLINE WALTON; LINDA FREW,
next friend of her minor child Carla Frew; CARLA FREW,
ALL PLAINTIFFS; MARIA AYALA, as next friend of her minor
children, Christopher Arizola, Leonard Jimenex and Josep
Veliz; MARY FISHER, as next friend of her minor child,
Tyrone T. Edwards; MARY JANE GARZA, as next friend of her
minor children, Hilary Garza and Sarah Renea Garza,

Plaintiffs-Appellees,

VERSUS

RICHARD LADD, Etc., ET AL,

Defendants,

RICHARD LADD, Commissioner of the Texas Health and
Human Services Commission in his official capacity; LINDA
WERTZ, Texas State Medicaid Director; BRIDGETT COOK,
employee of Texas Department of Health in official capacity;
SUSAN PENFIELD, M.D., employee of the Texas Department of
Health in official capacity; BEVERLY KOOPS, M.D., employee
of Texas Department of Health in official capacity; WILLIAM
ARCHER, DR, Texas Commission of Health; DON GILBERT,
Texas Commissioner of Health and Human Services,

Defendants-Appellants.

Appeal from the United States District Court
For the Eastern District of Texas, Beaumont

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

BY THE COURT:

After full consideration of (1) appellants' motion for a stay of the district court's order which has been appealed to this Court; and (2) appellees' response to such motion, we are persuaded that the public interest will be better served by postponing any implementation of the district court's order until the factual findings and legal conclusions upon which such order is based can be reviewed by this Court.

Accordingly, we GRANT appellants' motion for a stay of the district court's order of August 14, 2000, during the pendency of this appeal.

Appellants' alternative motion for a stay until conclusion of the 77th Session of the Texas Legislature is DENIED.

A true copy

Text

Clerk U. S. Court of Appeals, Fifth Circuit


Deputy **OCT 18 2000**

New Orleans, Louisiana