

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

STATE OF TEXAS,  
STATE OF MONTANA,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity  
as Secretary of Health and Human Services;  
MELANIE FONTES RAINER, in her  
official capacity as Director of the Office for  
Civil Rights; CENTERS FOR MEDICARE  
& MEDICAID SERVICES; UNITED  
STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES,

Defendants.

Case No. 6:24-cv-211-JDK

**NOTICE OF APPEAL**

Please take notice that Defendants hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Court's July 3, 2024 Memorandum Opinion and Order, ECF No. 18, and the Court's August 30, 2024 Order Modifying Stay, ECF No. 41.

DATED: August 30, 2024

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MICHELLE R. BENNETT  
Assistant Director, Federal Programs Branch

/s/ Zachary W. Sherwood  
ZACHARY W. SHERWOOD  
(IN Bar No. 37147-49)  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch

1100 L Street NW  
Washington, DC 20005  
Phone: (202) 616-8467  
Fax: (202) 616-8470  
Email: zachary.w.sherwood@usdoj.gov

*Attorney for Defendants*