

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

**ALLIANCE FOR HIPPOCRATIC
MEDICINE**, on behalf of itself, its member
organizations, their members, and these
members' patients, et al.,

Plaintiffs,

v.

**U.S. FOOD AND DRUG
ADMINISTRATION**, et al.,

Defendants.

Case No. 2:22-cv-00223-Z

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs the Alliance for Hippocratic Medicine, American Association of Pro-Life Obstetricians and Gynecologists, American College of Pediatricians, Christian Medical & Dental Associations, Dr. Shaun Jester, Dr. Regina Frost-Clark, Dr. Tyler Johnson, and Dr. George Delgado move for preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure.

As set forth more fully in the brief filed in support of this motion, injunctive relief is warranted because Plaintiffs are likely to prevail on their claims that the U.S. Food and Drug Administration (FDA) acted unlawfully when it approved mifepristone and misoprostol to be used as chemical abortion drugs in the United States and subsequently eviscerated the safeguards for women and girls who undergo this dangerous drug regimen.

For the reasons discussed here and in Plaintiffs' brief in support, the Court should grant Plaintiffs' request for a preliminary injunction, without bond, ordering Defendants to: (1) withdraw or suspend its September 28, 2000, Approval of Mifeprex and its April 11, 2019, approval of Mifepristone Tablets, 200 mg, and remove them from the list of approved drugs; (2) withdraw or suspend its March 29, 2016, Approval of Danco Laboratories, LLC's supplemental new drug application for Mifeprex (Application Number: 020687Orig1s020); and (3) withdraw or suspend its April 12, 2021, Non-Enforcement Decision letter, and December 16, 2021, Response to the 2019 Citizen Petition concerning the in-person dispensing requirement for mifepristone.¹

¹ Because the injunctive relief requested would serve the public interest, Plaintiffs ask the Court to exercise its discretion to not require a security or bond under Fed. R. Civ. P. 65(c). *See City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1094 (5th Cir. 1981).

Respectfully submitted this November 18, 2022.

By: s/ Erik C. Baptist

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**Pro Hac Vice Application forthcoming*

CERTIFICATE OF CONFERENCE

I hereby certify that it was not possible to confer on this motion, because counsel has not appeared for Defendants. Under Local Rule 7.1(b)(3), this motion is presumed to be opposed.

s/ Erik C. Baptist

ERIK C. BAPTIST

CERTIFICATE OF SERVICE

I certify that this document will be served on all defendants via USPS Priority Mail Express to the addresses listed in the complaint and on the summonses. In addition, I will cause courtesy copies of all filings in this case to be sent via USPS Priority Mail Express and via email to General Counsel Samuel R. Bagenstos, U.S. Department of Health and Human Services, 200 Independence Ave., S.W., Room 713-F, Washington, D.C. 20201, Samuel.Bagenstos@hhs.gov, and Isaac Belfer, U.S. Department of Justice, Civil Division, Consumer Protection Branch, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, Isaac.C.Belfer@usdoj.gov.

s/ Erik C. Baptist

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