

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

SHANDHINI RAIDOO, M.D., M.P.H.; )	No. 21-16559
BLISS KANESHIRO, M.D., M.P.H., on )	
behalf of themselves and their patients )	District Court Case No. 21-00009
)	(District Court of Guam)
Plaintiffs-Appellees, )	
)	
vs. )	<b>DEFENDANTS-APPELLANTS’</b>
)	<b>THIRD STATUS REPORT</b>
LEEVIN TAITANO CAMACHO, <i>et al.</i> , )	<b>AND</b>
)	<b>MOTION FOR SUMMARY</b>
Defendants-Appellants. )	<b>REVERSAL</b>
)	

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On October 1, 2021, the Clerk of Court issued an Order for the Court granting appellants’ unopposed motion to stay briefing in this appeal pending the Supreme Court’s resolution of *Dobbs v. Jackson Women’s Health Org.*, No. 19-1392, *cert.* granted May 17, 2021. (Docket Entry No. 14). On June 24, 2022, the Supreme Court issued its decision in *Dobbs*, 597 U.S. \_\_\_, 2022 WL 2276808. In *Dobbs*, the Supreme Court overruled *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833 (1992). *Dobbs*, 2022 WL 2276808 at \*43 (“We now overrule those decisions . . . .”)

This appeal concerns an order from the District Court of Guam granting a preliminary injunction and enjoining certain government officials in Guam from enforcing specific portions of 10 GCA § 3218.1. Specifically, the officials were enjoined from: (1) “requir[ing] a patient obtaining medication abortion via

telemedicine to receive the information required under that statute in person,” 10 GCA § 3218.1(b), and (2) enforcing “10 G.C.A § 3218.1(b)(4)’s individual, private setting requirement to prevent a patient obtaining a medication abortion via telemedicine from receiving the information required under that statute while located in the setting of the patient’s choosing, including with another person (or persons) present if the patient chooses.” *Raidoo v. Camacho*, Civ. Case No. 21-00009, 2021 WL 4392252 at \*1-2 (D. Guam, Sept. 7, 2021).

In enjoining the Guam officials, the District Court cited both *Roe* and *Casey*. *Raidoo v. Camacho*, Civ. Case No. 21-00009, 2021 WL 4076772 at \*1, 5, 8 (D. Guam, Sept. 3, 2021). It also principally relied on *Casey* and this Court’s precedent in *Planned Parenthood Ariz., Inc. v. Humble*, 753 F.3d 905 (9th Cir. 2014). *See Raidoo*, 2021 WL 4076772 at \*3, 5, 6, 8. *Humble* is a progeny of *Casey*. *See Humble*, 753 F.3d at 912. Additionally, in seeking both ultimate relief and a preliminary injunction, the Plaintiffs in this case rely on *Roe*, *Casey*, and their progeny. *See Raidoo*, Civ. Case No. 21-00009, Compl., Doc. 1 ¶¶ 19 n.4 & 37 (relying on *Casey* and *Guam Soc’y of Obstetricians & Gynecologists v. Ada*, 962 F.2d 1366 (9th Cir. 1992), *as amended* (June 8, 1992));<sup>1</sup> *Raidoo*, Civ. Case No. 21-00009, Memo. in Support of Pltf’s Mot. for a Prelim. Inj., Doc. 13 at 21 (D. Guam, Feb. 5, 2021).

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<sup>1</sup> *Ada* principally relies on *Roe*, *see Ada* 962 F.2d at 1368-1373, but also briefly analyzes the “undue burden” test from *Casey*, *id.* at 1373 n.8.

In light of the Supreme Court's opinion in *Dobbs* and the District Court's reliance on the now-overruled opinions in *Roe*, *Casey*, and *Humble*, this Court should issue an order summarily reversing the order granting a preliminary injunction. This Court should vacate the District Court's Order dated September 7, 2021 entering a preliminary injunction and remand the case for reconsideration in light of the Supreme Court's opinion in *Dobbs v. Jackson Women's Health Org*, 597 U.S. \_\_\_, 2022 WL 2276808 (2022).

Reversal, including summary reversal, to consider the implications of an intervening Supreme Court opinion or other legal development is a remedy consistent with the practice of this Court and the Supreme Court of the United States. *See Pepper v. United States*, 552 U.S. 1089 (2008); *United Steelworkers of Am. v. Flowers*, 451 U.S. 965 (1981); *Fusari v. Steinberg*, 419 U.S. 379 (1975); *Wang v. Chinese Daily News, Inc.*, 737 F.3d 538 (9th Cir. 2013); *United States v. Marquez*, 270 Fed. Appx. 613, 614 (9th Cir. 2008); *United States v. Koike*, 164 F.2d 155 (9th Cir. 1947).

Respectfully submitted June 28, 2022.

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## CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the typeface requirements of Fed. R. app. P. 32(a)(5) and the type-volume limitations of Fed. R. App. P. 27(d)(2)(A). This motion contains 592 words, excluding the parts of the motion excluded by Fed. R. App. P. 27(d)(2) and 32(f).

*/s/ James L. Canto II*

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**JAMES L. CANTO II**