

No. 21-2857

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

LITTLE ROCK FAMILY PLANNING SERVICES, et al.,
Plaintiffs-Appellees,

v.

LARRY JEGLEY, et al.,
Defendants-Appellants.

On Appeal from the United States District Court
for the Eastern District of Arkansas
No. 4:21-CV-00453-KGB (Hon. Kristine G. Baker)

Unopposed Motion to Hold Appeal in Abeyance

Defendants-Appellants respectfully submit this unopposed motion to hold this appeal in abeyance pending a decision in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392 (U.S.).

This appeal is from the district court's injunction of Arkansas Act 309 of 2021. That law prohibits elective pre-viability abortions, with certain exceptions. Ark. Code Ann. 5-61-401 et seq. Last term, the Supreme Court granted certiorari on the question "[w]hether all pre-viability prohibitions on elective abortions are

unconstitutional.” *Dobbs*, No. 19-1392 (U.S. May 17, 2021). Merits briefing in that appeal is already well underway.

In light of *Dobbs*, this Court has already granted a motion to hold in abeyance an appeal concerning related pre-viability abortion prohibitions. Order, *Hopkins v. Jegley*, No. 21-1068 (8th Cir. May 26, 2021). Similarly, here, guidance from *Dobbs* will materially benefit both parties’ briefing and argument as well as this Court’s consideration of the issues presented in this appeal. Therefore, in the interest of judicial economy and conserving the parties’ resources, Defendants-Appellants respectfully request that all proceedings in this case, including briefing and argument, be held in abeyance pending the Supreme Court’s decision in *Dobbs*.

Defendants-Appellants have conferred with Plaintiffs-Appellees, who stated no objection to this motion and affirmatively stated that they take no position.

Respectfully submitted,

LESLIE RUTLEDGE

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CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 204 words, excluding the parts exempted by Fed. R. App. P. 32(f).

Pursuant to Fed. R. App. P. 27(d)(1)(E), I also certify that this motion complies with the requirements of Fed. R. App. P. 32(a)(5)-(6) because it has been prepared in a 14-point Times New Roman, a proportionally spaced typeface, using Microsoft Word.

I further certify that this PDF file was scanned for viruses, and no viruses were found on the file.

/s/ Michael A. Cantrell

Michael A. Cantrell

CERTIFICATE OF SERVICE

I certify that on September 13, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to any CM/ECF participants.

/s/ Michael A. Cantrell

Michael A. Cantrell