

UNITED STATES COURT OF APPEALS

FILED
United States Court of Appeals
Tenth Circuit

FOR THE TENTH CIRCUIT

June 30, 2014

Elisabeth A. Shumaker
Clerk of Court

DIOCESE OF CHEYENNE; CATHOLIC
CHARITIES OF WYOMING; ST.
JOSEPH'S CHILDREN'S HOME; ST.
ANTHONY TRI-PARISH CATHOLIC
SCHOOL; WYOMING CATHOLIC
COLLEGE,

Plaintiffs-Appellants,

v.

SYLVIA MATHEWS BURWELL, in her
official capacity as Secretary of the U.S.
Department of Health and Human
Services;* THOMAS PEREZ, in his
official capacity as Secretary of U.S.
Department of Labor; JACOB J. LEW, in
his official capacity as Secretary of the
U.S. Department of the Treasury; U.S.
DEPARTMENT OF HEALTH &
HUMAN SERVICES; U.S.
DEPARTMENT OF LABOR; U.S.
DEPARTMENT OF THE TREASURY,

Defendants-Appellees.

No. 14-8040
(D.C. No. 2:14-CV-00021-SWS)
(D. Wyo.)

ORDER

Before **LUCERO** and **MATHESON**, Circuit Judges.

* In accordance with Rule 43(c)(2) of the Federal Rules of Appellate Procedure, Sylvia Mathews Burwell is substituted for Carolyn W. Colvin as the defendant-appellee in this action.


Plaintiffs-Appellants seek an injunction pending appeal from the district court's denial of a preliminary injunction. Plaintiffs-Appellants, who are a Roman Catholic Diocese and several Catholic organizations, seek to enjoin provisions of the Affordable Care Act and related regulations ("the Mandate") pertaining to the provision of abortion-producing products, contraception, sterilization, and related education and counseling services ("contraceptive services"), to plaintiffs-appellants' employees through a group health plan. Plaintiffs-Appellants contend that the Mandate violates the Religious Freedom Restoration Act ("RFRA") by imposing a substantial burden on their religious beliefs that is not warranted by a compelling governmental interest that is advanced in the least restrictive means.

In a similar case before this court, the Supreme Court entered an injunction pending appeal after a panel of this court had denied one. *See Little Sisters of the Poor Home for the Aged, Denver Colo. v. Sebelius*, 134 S. Ct. 1022 (Jan. 24, 2014) (mem.).

In light of the Supreme Court's ruling, we hereby order as follows. If the plaintiffs-appellants inform the Secretary of Health and Human Services in writing that they are non-profit organizations that hold themselves out as religious and have religious objections to providing coverage for contraceptive services, the respondents are enjoined from enforcing against the plaintiffs-appellants the challenged provisions of the Patient Protection and Affordable Care Act and related regulations pending further order of the court. To meet the condition for injunction pending

appeal, plaintiffs-appellants need not use the form prescribed by the Government and need not send copies to third-party administrators.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a light blue dotted background.

ELISABETH A. SHUMAKER, Clerk