

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

STATE OF TEXAS,  
CARMEN ROBLES FROST,  
*Plaintiffs,*

v.

XAVIER BECERRA, in his official capacity  
as Secretary of Health and Human Services;  
RACHEL LEVINE, in his official capacity  
as Assistant Secretary for Health; JESSICA  
SWAFFORD MARCELLA, in her official  
capacity as Deputy Assistant Secretary for  
Office of Population Affairs; OFFICE OF  
THE ASSISTANT SECRETARY FOR  
HEALTH; UNITED STATES  
DEPARTMENT OF HEALTH & HUMAN  
SERVICES; UNITED STATES OF  
AMERICA,  
*Defendants.*

No. 2:24-cv-00159

---

**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

---

The State of Texas and Ms. Carmen Robles Frost respectfully submit this Notice of Dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, dismissing all claims in the complaint (Dkt. 1) against Defendants without prejudice, and with each party to bear its own fees and costs, and show the Court as follows:

1. Defendants have represented that “HHS is not enforcing the challenged” agency rule in Texas. Dkt. 29 at 9.
2. Plaintiffs consider this binding representation, indicating that HHS will not enforce the regulations at issue within the State of Texas in any way, to have been made in good faith.

3. Accordingly, in reliance on the binding representations made in Defendants' Motion to Dismiss for Lack of Jurisdiction, Plaintiffs dismiss their claims without prejudice.

Dated: November 26, 2024

Respectfully submitted.

**KEN PAXTON**  
Attorney General of Texas

**BRENT WEBSTER**  
First Assistant Attorney General

**RALPH MOLINA**  
Deputy First Assistant Attorney General

**JAMES LLOYD**  
Deputy Attorney General for Civil Litigation

/s/ Amy Snow Hilton  
**AMY SNOW HILTON**  
Chief  
Healthcare Program Enforcement Division  
Office of the Attorney General of Texas  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
(512) 936-1709 (phone)  
(512) 499-0712 (fax)  
Amy.Hilton@oag.texas.gov

**COUNSEL FOR STATE OF TEXAS**

**JONATHAN F. MITCHELL**  
Texas Bar No. 24075463  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940 (phone)  
(512) 686-3941 (fax)  
jonathan@mitchell.law

**GENE P. HAMILTON**  
America First Legal Foundation  
611 Pennsylvania Avenue SE, #231  
Washington, DC 20003  
(202) 964-3721  
gene.hamilton@aflegal.org

**COUNSEL FOR CARMEN ROBLES  
FROST**

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on November 26, 2024, and that all counsel of record were served by CM/ECF.

/s/ Amy S. Hilton  
**AMY S. HILTON**