

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**STATE OF TENNESSEE, et  
al.**

**PLAINTIFFS**

**v.**

**CAUSE NO. 1:24cv161-LG-BWR**

**XAVIER BECERRA, in his  
official capacity as Secretary  
of the United States  
Department of Health and  
Human Services, et al.**

**DEFENDANTS**

**PRELIMINARY INJUNCTION**

For the reasons set forth in the Memorandum Opinion and Order entered herewith,

**IT IS ORDERED AND ADJUDGED** that the July 5, 2024, effective date of the final rule entitled Nondiscrimination in Health Programs and Activities, 89 Fed. Reg. 37,522 (May 6, 2024) is **STAYED** nationwide pursuant to 5 U.S.C. § 705, in so far as this final rule is intended to extend discrimination on the basis of sex to include discrimination on the basis of gender identity in the following regulations: 42 C.F.R. §§ 438.3, 438.206, 440.262, 460.98, 460.112; 45 C.F.R. §§ 92.5, 92.6, 92.7, 92.8, 92.9, 92.10, 92.101, 92.206-211, 92.301, 92.303, 92.304.

**IT IS FURTHER ORDERED AND ADJUDGED** that the United States Department of Health and Human Services, Xavier Becerra in his official capacity as Secretary of HHS, Melanie Fontes Rainer in her official capacity as the Director of the Office for Civil Rights, the Centers for Medicare and Medicaid Services, and

Chiquita Brooks-LaSure in her official capacity as Administrator of the Centers for Medicare and Medicaid Services are **ENJOINED** nationwide from enforcing, relying on, implementing, or otherwise acting pursuant to the final rule entitled Nondiscrimination in Health Programs and Activities, 89 Fed. Reg. 37,522 (May 6, 2024), to the extent that the final rule provides that “sex” discrimination encompasses gender identity.

**SO ORDERED AND ADJUDGED** this the 3<sup>rd</sup> day of July, 2024.

*s/ Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE