

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 12-90075

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

versus

BRUCE D. GREENSTEIN,
Secretary of the Louisiana Department of Health and Hospitals;
LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS;
J. THOMAS SCHEDLER, Louisiana Secretary of State,

Defendants-Petitioners.

Applications for Leave To Appeal
an Interlocutory Order

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the motion of Bruce Greenstein and the Louisiana Department of Health and Hospitals to have their petition for permission to appeal held in abeyance until such time as the district court rules on the

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motion for reconsideration, following the scheduled April 15, 2013, hearing on the motion for reconsideration, is DENIED. The alternative request that any dismissal of the petition be without prejudice is GRANTED.

IT IS THEREFORE ORDERED that, on the court's motion, the applications for permission to appeal filed by Bruce Greenstein, the Louisiana Department of Health and Hospitals, and J. Thomas Schedler are DISMISSED without prejudice to their being re-filed upon action by the district court on the motion for reconsideration. As stated above, this order applies to both requests for permission to appeal that have been filed. This court expresses no view on the merits of the motion for reconsideration or on the merits of any appeal.