

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

STATE OF TEXAS,
STATE OF ALASKA,
STATE OF ALABAMA,
STATE OF ARKANSAS,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF INDIANA,
STATE OF IOWA,
STATE OF KANSAS,
STATE OF LOUISIANA,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
STATE OF SOUTH CAROLINA,
STATE OF SOUTH DAKOTA,
STATE OF UTAH, and
STATE OF WEST VIRGINIA,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official Capacity
as Secretary of Health and Human Services,
UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendants.

CASE NO. 5:24-cv-00225-C

JOINT STATUS REPORT

The Plaintiff States of Texas, Alaska, Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, South Carolina, South Dakota, Utah, and West Virginia (Plaintiffs) and Defendants Robert F. Kennedy, in his official capacity as Secretary of Health and Human Services, and the United States Department of Health and Human Services (Defendants) (together, the Parties), submit the following Joint Status Report in connection to the Court's Order, ECF No. 70. The Parties advise the Court as follows:

Defendants continue to evaluate their position in light of the President's recent Executive Order, which provides that agencies shall not "promote or otherwise inculcate gender ideology." *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>.

Recently Defendants issued a Notice of Proposed Rulemaking that would modify the challenged Rule to clarify that "gender dysphoria not resulting from physical impairment" does not constitute a disability under the Rehabilitation Act of 1973. *See Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance* (Dec. 19, 2025), 90 Fed. Reg. 59478. Plaintiffs are evaluating their claims in light of this Notice.

Accordingly, the Parties ask that the Court not disturb the current stay of briefing deadlines. No Party would be prejudiced by the continuation of the stay and it would preserve the resources of the Parties and the Court. The Parties propose to file a further Joint Status Report with the Court no later than fourteen days after the publication of the final rule proposed by the aforementioned Notice of Proposed Rulemaking.

Dated: January 9, 2026.

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on January 9, 2026 and that all counsel of record were served by CM/ECF.

/s/ Kyle S. Tebo
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