

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-5091**September Term, 2012****1:12-cv-00815-ABJ****Filed On: June 21, 2013**

Roman Catholic Archbishop of Washington,
et al.,

Appellants

v.

Kathleen Sebelius, in her official capacity as
Secretary of the U.S. Department of Health
and Human Services, et al.,

Appellees

BEFORE: Tatel, Brown, and Griffith, Circuit Judges

ORDER

Upon consideration of the motion for summary reversal, the opposition thereto, and the reply, it is

ORDERED that the motion be denied. Appellants do not challenge the district court's determination that their claims are not ripe for decision, for the reasons stated in this court's order of December 18, 2012, in Wheaton College v. Sebelius, 703 F.3d 551 (D.C. Cir.). This appeal is limited to the question whether the district court erred in its Memorandum Opinion and Order filed January 25, 2013, by dismissing appellants' case on ripeness grounds rather than holding it in abeyance. Appellants have not demonstrated that the decision to dismiss the case should be summarily reversed based on the order governing appellate proceedings in Wheaton. It is

FURTHER ORDERED, on the court's own motion, that this appeal be held in abeyance pending further order of the court. The parties are directed to file motions to govern further proceedings within 30 days of this court's final disposition of Wheaton, Nos. 12-5273, et al.

Per Curiam