

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROCHELLE GARZA, as guardian ad litem to)	
unaccompanied minor J.D., on behalf of)	
herself and others similarly situated,)	
)	No. 17-cv-02122-TSC
Plaintiff,)	
v.)	
)	
ERIC D. HARGAN, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

EMERGENCY MOTION TO AMEND THE TEMPORARY RESTRAINING ORDER

Pursuant to the Mandate of the Court of Appeals in this case, issued October 24, 2017, Plaintiff hereby moves for an order amending the temporary restraining order issued on October 18, 2017.

In the Court of Appeals’ per curiam order, the court “ORDERED that . . . [t]he case is hereby remanded to the district court for further proceedings to amend the effective dates in paragraph 1 of its injunction.” Order at 2. As the court noted, “[t]he dates in paragraph 1 have now passed, and the parties have proffered new evidence and factual assertions concerning the expected duration of custody and other matters.” *Id.* A copy of the Court of Appeals’ order, and a copy of its mandate, are attached hereto.

In order to allow J.D. to obtain the abortion that she has chosen without further delay and as may be required by Texas state law and the availability of physicians, Plaintiff moves that Paragraph 1 of the temporary restraining order be amended to provide that the Defendants are:

1. Required to transport J.D.—or allow J.D. to be transported by either her guardian or attorney ad litem—promptly and without delay, on such dates, including today, and to such Texas abortion provider as shall be specified by J.D.’s guardian ad litem or attorney ad litem, in order to obtain the counseling required by state law and to obtain the abortion procedure, in accordance with the

abortion provider's availability and any medical requirements. If transportation to the nearest abortion provider requires J.D. to travel past a border patrol checkpoint, Defendants are restrained from interfering with her ability to do so and are ordered to provide any documentation necessary for her to do so.

Plaintiff has been informed, and represents to the Court, that a qualified physician is available at the nearest clinic today, and will be available to perform the procedure tomorrow. Plaintiff accordingly urges the Court to issue an amended temporary restraining order forthwith.

Plaintiff does not believe that a hearing on this motion is necessary, but should the Court conclude otherwise Plaintiff's counsel stand ready to appear in this Court at the Court's earliest convenience.

Date: October 24, 2017

Respectfully submitted,

/s/ Arthur B. Spitzer

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