

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**December 2, 2014**

**Elisabeth A. Shumaker  
Clerk of Court**

KAIL MARIE, et al.,

Plaintiffs - Appellees,

v.

No. 14-3246

ROBERT MOSER, M.D., in his official  
capacity as Secretary of the Kansas  
Department of Health and Environment, et  
al.,

Defendants - Appellants.

**ORDER**

Before **BRISCOE**, Chief Judge, **KELLY, LUCERO, HARTZ, TYMKOVICH, HOLMES, MATHESON, BACHARACH, PHILLIPS, MCHUGH,** and **MORITZ**, Circuit Judges.<sup>1</sup>

Appellants' motion for initial hearing en banc, and Appellees' response in opposition, were transmitted to all of the judges of the Court who are in regular active service. No judge in regular active service on the Court requested that the Court be

<sup>1</sup> The Honorable Neil M. Gorsuch did not participate in the consideration of this request.

polled on the motion for initial hearing en banc. As a result, Appellants' motion for an initial hearing en banc is denied.

Entered for the Court,

ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Chris Wolpert', with a long horizontal stroke extending to the right.

by: Chris Wolpert  
Chief Deputy Clerk