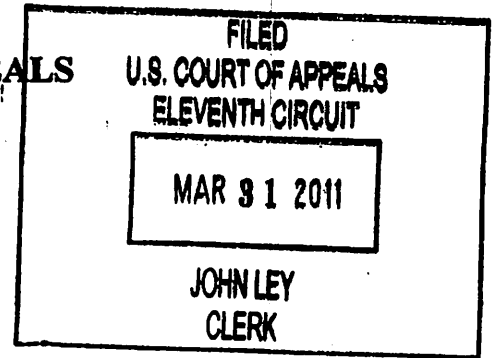


**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

Nos. 11-11021-HH & 11-11067-HH



STATE OF FLORIDA, by and through Pam Bondi Attorney General,  
STATE OF SOUTH CAROLINA, by and through Alan Wilson Attorney General,  
ET AL,

Plaintiffs - Appellees - Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
KATHLEEN SEBELIUS, in her official capacity as the Secretary of the United  
States Department of Health and Human Services,  
ET AL.,

Defendants - Appellants- Cross-Appellees.

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On Appeal from the United States District Court for the  
Northern District of Florida  
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**ON PETITION FOR HEARING EN BANC**


**ORDER:**

The Court having been polled at the request of several members of the Court and a majority of the Circuit Judges who are in regular service not having voted in favor of it,( Rule 35, Federal Rules of Appellate Procedure), Appellees' Petition for Initial Hearing En Banc is DENIED.

Consistent with the Court's March 11, 2011, Order granting in part

Appellants' motion to expedite this appeal, this appeal shall also be expedited to oral argument and shall be heard at oral argument on Wednesday, June 8, 2011, at 9:30 A.M. in Atlanta, Georgia before a three-judge panel randomly selected. Each side will be given one hour to present oral arguments.

Further, consistent with Eleventh Circuit I.O.P. 7 (Identity of Panel), following Fed.R.App. 34, the identity of the panel which will hear oral argument will be disclosed no earlier than fourteen days in advance of oral argument.

  
CHIEF JUDGE