

Academic Focus on a Pending Sixth Circuit Appeal

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The Sixth Circuit recently heard argument in *L.W. v. Skrmetti*, involving Tennessee's law prohibiting healthcare providers from performing gender-affirming surgeries and administering hormones or puberty blockers to transgender minors. The district court facially enjoined enforcement of the law as applied to hormones and puberty blockers and applied the preliminary injunction statewide. Tennessee appealed and sought an emergency stay of the district court's order pending its appeal of the preliminary injunction.

A partially divided Sixth Circuit panel issued an opinion [granting a stay pending appeal](#), on the grounds that Tennessee was likely to prevail. The panel noted, however, that its decision was preliminary and expedited the proceedings. Merits briefs have been filed and the same panel held a virtual oral argument earlier this month. The argument was very active and can be heard [here](#).

The issue could be heading to the Supreme Court given similar laws in other states and challenges that have been working their way through other appellate courts. Professor [Marc Spindelman](#) of Ohio State's Moritz College of Law has published this [article](#) in the University of Pennsylvania Law Review Online that analyzes the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* and its relevance to *Skrmetti*.

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