

United States Court of Appeals For the First Circuit

No. 12-2059

MARY C. MAYHEW, in her capacity as
Commissioner of Maine Department of Health and Human Services,

Petitioner,

v.

KATHLEEN SEBELIUS, Secretary,
in her capacity as Secretary of the U.S. Department of Health and Human Services, ET AL.,

Respondents.

Before

Lynch, Chief Judge,
Howard and Thompson, Circuit Judges.

JUDGMENT

Entered: September 13, 2012

The petition for review of Respondents' "failure . . . to act" more expeditiously upon Petitioner's request for a State Plan Amendment (SPA) is summarily denied. As developed here, the facts do not warrant the mandamus-like relief of ordering Respondents to consider or approve the SPA by October 1, 2012. The motion for injunctive relief is denied as moot.

By the Court:

/s/ Margaret Carter, Clerk.

cc:

Paul Stern

Kathleen Sebelius

William B. Schultz

Channing D. Phillips

Nancy S. Nemon

Richard R. McGreal

Cynthia R. Mann

Alisa Beth Klein

Thomas Edward Delahanty, II