

Texas Heartbeat Act Heads to State Supreme Court Amid Intense Legal Battle

The Texas Heartbeat Act remains in effect as the U.S. Court of Appeals for the 5th Circuit has sent the case of *Whole Woman's Health v. Jackson* to the Texas Supreme Court.

The 5th Circuit faced the challenge of deciding whether to send the case back to a federal judge in Austin, who had already blocked the Heartbeat Act in October at the request of the Biden administration, before his decision was reversed by the 5th Circuit, or send it to the Texas Supreme Court. The abortionists behind the legal challenge had requested that the 5th Circuit send the case to the judge—U.S. District Judge Robert Pitman, an Obama appointee—because he had previously ruled in their favor. In sending the case to the state Supreme Court, the 5th Circuit denied that request on Monday.

“People in Texas have been stripped of their constitutional right to abortion for more than four months now—and pregnant Texans are needlessly suffering with no end in sight,” alleged Julie Murray, an attorney with Planned Parenthood Federation of America.

However, Texas Right to Life said, “This is great news for Texas because such action is more likely to ensure a just and favorable ruling, compared to that which could be expected from a pro-abortion federal district judge, to whom the abortion industry asked to send the case. Beyond this, sending the lawsuit to the Supreme Court of Texas is appropriate because the only defendants left in the case are state agencies.”

The Heartbeat Act allows private citizens, not state officials, to enforce the ban via lawsuits against the

abortionist and anyone who assists in the abortion other than the preborn child's mother. The Supreme Court of the United States ruled in December that the federal lawsuit by abortionists challenging the law can proceed but only against state health officials, and the case was remanded to the 5th Circuit.

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