UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 25-2940

Dakotans for Health and Rick Weiland

Appellees

v.

Monae Johnson, Secretary of State; in her official capacity only

Appellant

Appeal from U.S. District Court for the District of South Dakota - Southern
(4:25-cv-04050-CCT)

ORDER

The petition for rehearing en banc is granted. The opinion and judgment filed August 11, 2026, are vacated. The case will be set for oral argument during the court session in January 2027 at St. Louis.

The motions for attorney fees and costs are denied without prejudice.

Within 10 days of this order, the parties must submit to the clerk thirty (30) additional copies of all briefs and eight (8) additional copies of all appendices previously filed in the case.

October 1, 2026

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

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