

Statement of GORSUCH, J.

SUPREME COURT OF THE UNITED STATES

No. 23A296

MISSOURI, ET AL. *v.* UNITED STATES

ON APPLICATION FOR STAY

[October 20, 2023]

The application for stay presented to JUSTICE KAVANAUGH and by him referred to the Court is denied.

JUSTICE THOMAS would grant the application for stay.

Statement of JUSTICE GORSUCH, with whom JUSTICE ALITO joins, respecting the denial of the application for stay.

With the understanding that the district court “prohibited” only “implementation and enforcement” of H. B. 85 by the State of “Missouri and its officers, agents, and employees” and “any others in active concert with such individuals,” App. to Emergency Application 29a, I agree with the denial of the application for a stay under the present circumstances. An injunction purporting to bind private parties not before the district court or the “challenged” provisions “themselves,” however, would be inconsistent with the “equitable powers of federal courts.” *Whole Woman’s Health v. Jackson*, 595 U. S. 30, 44 (2021).