

JUSTIA

Planned Parenthood Minn, N.D., S.D. v. Rounds, No. 09-3362 (8th Cir. 2012)

Justia Opinion Summary

The Governor and Attorney General of South Dakota, along with two intervening crisis pregnancy centers and two of their personnel appealed the district court's permanent injunction barring enforcement of a South Dakota statute requiring the disclosure to patients seeking abortions of an "increased risk of suicide ideation and suicide" and the underlying grant of summary judgment in favor of Planned Parenthood of Minnesota, North Dakota, South Dakota and its medical director Dr. Carol Ball. The district court found that this advisory would unduly burden abortion rights and would violate physicians' First Amendment right to be free from compelled speech. The Eighth Circuit Court of Appeals reversed, holding that on its face, the suicide advisory presented neither an undue burden on abortion rights nor a violation of physicians' free speech rights.

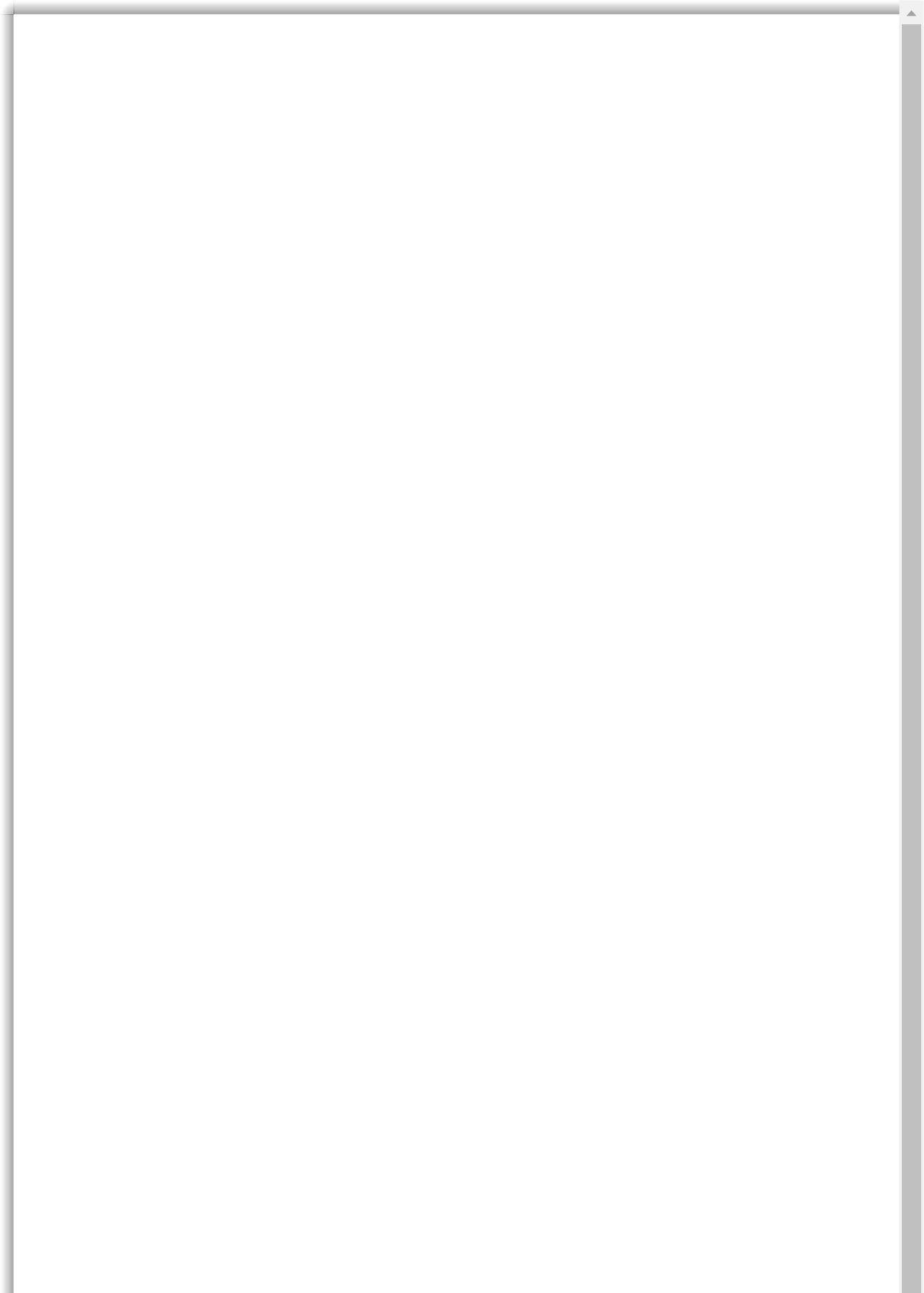
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Court Description: Civil case - Abortion. District court erred in granting a permanent injunction enjoining a provision of a South Dakota statute requiring the disclosure to patients seeking an abortion of an increased risk of suicide ideation and suicide as the suicide advisory is non-misleading and relevant to the patient's decision to have an abortion; advisory does not place an undue burden on abortion rights and is not a violation of physicians' free speech rights. Judge Loken, concurring. Judge Colloton, concurring in part and concurring in the result. Judge Murphy, with whom Wollman, Bye and Melloy join, dissenting.

This opinion or order relates to an opinion or order originally issued on September 2, 2011.

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