

United States Court of Appeals For the First Circuit

No. 19-1336

CORP. DE SERVICIOS INTEGRALES DE SALUD INTEGRAL EN LA MONTAÑA, INC.; MIGRANT HEALTH CENTER, INC.; NEOMED CENTER, INC., f/k/a Gurabo Community Health Center, Inc.; MOROVIS COMMUNITY HEALTH CENTER, INC.; CONCILIO DE SALUD INTEGRAL DE LOIZA, INC. (CSILO); CORPORACION DE SERVICIOS DE SALUD Y MEDICINA AVANZADA, INC., (COSSMA); CIALES PRIMARY HEALTH CARE SERVICES, INC.; CORPORACION DE SERV. MÉDICOS PRIMARIOS Y PREVENCIÓN DE HATILLO, INC.; COSTA SALUD, INC., f/k/a Rincon Health Center, Inc.; CENTRO DE SERVICIOS PRIMARIOS DE SALUD DE PATILLAS, INC.; ATLANTIC MEDICAL CENTER, INC.; CAMUY HEALTH SERVICES, INC.; CENTRO DE SALUD FAMILIAR DR. JULIO PALMIERI FERRI, INC.; HOSPITAL GENERAL CASTAÑAR, INC.; CENTRO DE SALUD DE LARES, INC.,

Plaintiffs, Appellees,

and

RIO GRANDE COMMUNITY HEALTH CENTER, INC.; TOA ALTA COMPREHENSIVE URBAN/RURAL ADVANCED HEALTH SERVICES, INC.; HEALTHPROMED FOUNDATION, INC., f/k/a Dr. Jose S. Belaval, Inc.; MUNICIPALITY OF SAN JUAN,

Plaintiffs,

v.

COMMONWEALTH OF PUERTO RICO,

Defendant, Appellant,

and

JOHNNY RULLAN; DEPARTMENT OF HEALTH AND HUMAN SERVICES; DEPARTMENT OF HEALTH COMMONWEALTH OF PUERTO RICO; ALEX MICHAEL AZAR, II, as Secretary of United States Department of Health and Human Services,

Defendants.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[Hon. Gustavo A. Gelpí, Jr., U.S. District Judge]

Before

Lynch, Lipez, and Barron,
Circuit Judges.

Carlos Lugo-Fiol, with whom Solicitor General of Puerto Rico Isaías Sánchez-Báez was on brief, for appellant.

Nicole M. Bacon, with whom James L. Feldesman, Khatereh S. Ghiladi, and Feldesman Tucker Liefer Fidell LLP were on brief, for appellees Atlantic Medical Center, Inc., Camuy Health Services, Inc., Centro de Salud Familiar Dr. Julio Palmieri Ferri, Inc., Ciales Primary Health Care Services, Inc., Corporacion de Serv. Médicos Primarios y Prevención de Hatillo, Inc., Costa Salud, Inc., El Centro de Salud de Lares, Inc., El Centro de Servicios Primarios de Salud de Patillas, Inc., and Hospital General Castañar, Inc.

Robert A. Graham, with whom Iyen A. Acosta and Reno & Cavanaugh, PLLC were on brief, for appellees HealthproMed, Salud Integral en la Montaña, Migrant Health Center, COSSMA, Morovis Community Health Center, NeoMed Center, and Concilio de Salud Integral de Loiza.

December 4, 2020

LYNCH, Circuit Judge. This is an appeal by the Commonwealth from two orders by the district court in the Commonwealth's long-running litigation with Federally Qualified Health Centers (FQHCs). We refer to our opinion in the companion cases -- the consolidated appeals in case Nos. 17-1731 and 17-1812. For the reasons stated in the companion cases we also lack jurisdiction to hear this appeal.

In the companion cases, FQHCs appealed from a May 10, 2017 order by the district court. In this case, the Commonwealth appeals from two 2019 orders (one entered on January 28, 2019, and another entered on February 26, 2019). The Commonwealth asks us to allow portions of the district court orders to take effect and invalidate other portions of the district court orders. For the reasons stated in this court's opinion in the consolidated cases we also lack jurisdiction to hear this appeal. We order **dismissal** of this appeal.

No costs are awarded.