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May 10, 2007

BY HAND

Mr. Thomas Asreen  
Acting Clerk  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

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**Re: National Abortion Federation v. Gonzales, 04-5201 cv**

Dear Mr. Asreen:

On behalf of Plaintiffs-Appellees, and pursuant to the Court's order of April 26, 2007, I submit an original and ten copies of this letter brief regarding the effect on this appeal of the Supreme Court's decision in *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood*, 127 S. Ct. 1610 (2007) (*Carhart II*).

Plaintiffs-Appellees acknowledge that *Carhart II* precludes relief on the facial challenge presented to the district court; that the injunction issued by the district court should therefore be vacated; and that the case should be dismissed.

Sincerely,

Talcott Camp  
Attorney for Plaintiffs-Appellees

cc: Elizabeth Wolstein

## CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2007, I have caused a copy of Plaintiffs-Appellees' letter brief, dated May 10, 2007, to be delivered by hand to

Elizabeth Wolstein  
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and sent via U.S. mail to each of the following:

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Laura Fix