

For Immediate Release

UH Law Expert Seth Chander Available for Comment on SCOTUS Stay on Abortion Pill mifepristone and What it Signals

Houston, May 4, 2026 – The U.S. Supreme Court has temporarily restored full access to a widely used medication mifepristone via a short administrative stay from Justice Samuel Alito. Responses are due May 7, and the order is set to expire on May 11. The tight deadline raises the odds of near-term actions by the full court rather than a quiet lapse.

Given the medication now accounts for nearly two-thirds of U.S. abortions, largely delivered through telemedicine, the Court’s temporary order has immediate operational consequences nationwide.

University of Houston Law Center professor and constitutional law expert [Seth J. Chandler](#) can help frame what this move means. He identifies three big issues covered by the case:

“The first is abortion — still the most consequential social policy question on the Court's docket. The second is standing — when can a state drag the federal government into court over a regulation that does not directly require the state to do anything? The third is remedy — can a single court of appeals effectively shut down a federal rule nationwide, the question the Justices deliberately left open last term when they reined in universal injunctions? Cases that bundle one such issue are cert-worthy. This one bundles all three.”

The standing posture is notable considering *FDA v. Alliance for Hippocratic Medicine* where the Court rejected attenuated injury theories. Louisiana advances a different theory, downstream Medicaid costs and conflict with state law, and the Fifth Circuit’s acceptance of that approach could significantly broaden when the states can challenge federal action, including decisions by the U.S. Food and Drug Administration.

“This case is important because it is about access to abortion. But it is perhaps equally important for another reason. It puts in front of the Court a question it has been circling for years: when, if ever, may a state sue the federal government over a regulation that does not require the state to do anything? The answer reaches far beyond mifepristone. It will shape how often states can use federal courts to contest federal regulatory choices in any area, from drug approvals to environmental rules to immigration,” Chandler adds.

Bonus Quote About Nationwide Impact:

“Louisiana is one state. Yet the Fifth Circuit's order reaches into pharmacies in New York, Minnesota, and Washington and tells them what they may dispense and how. That is the loophole the universal-injunctions decision deliberately left open, and it is teed up here for the first time in a high-stakes setting.”

*** All Opinions expressed here are Prof. Seth Chandlers based on his expertise and understanding, and do not necessarily reflect those of the University of Houston**

Chandler is available to provide expert legal analysis and commentary on the decision and its broader implications. He can offer valuable insights for your readers on several critical aspects:

- Scope of remedies: nationwide relief after the Court’s pullback on universal injunctions.
- Appellate remedies and the Fifth Circuit’s approach and their impact on national policy.
- Shadow docket practice at the SCOTUS; signal vs. non-signal stays.
- What the case says about future legal battles between federal and state agencies.

Media Contacts:

If you are interested in interviewing Professor Chandler as well as getting copies of the documents he has prepared, please contact Carrie Anna Criado, UH Law Center Assistant Dean of Communications and Marketing, 713-743-2184, cacriado@central.uh.edu or Rashda Khan, Communications Director, 325-656-2824, rkhan20@uh.edu.

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