



# Dobbs v. Jackson Women's Health Organization

## Supreme Court Case Summary

### Petitioner

Thomas E. Dobbs,  
State Health  
Officer of the  
Mississippi  
Department of  
Health, et al.

### Respondent

Jackson  
Women's Health  
Organization, et al.

### Lower Court

United States  
Court of Appeals  
for the Fifth Circuit

### Docket No.

19-1392

### Citation

597 US \_ (2022)

### Argued

December 1, 2021

### Decided

June 24, 2022

### Facts of the Case

In 2018, Mississippi passed a law called the “Gestational Age Act,” which prohibits all abortions, with few exceptions, after 15 weeks’ gestational age. Jackson Women’s Health Organization, the only licensed abortion facility in Mississippi, and one of its doctors filed a lawsuit in federal district court challenging the law and requesting an emergency temporary restraining order (TRO). After a hearing, the district court granted the TRO while the litigation proceeded to discovery. After discovery, the district court granted the clinic’s motion for summary judgment and enjoined Mississippi from enforcing the law, finding that the state had not provided evidence that a fetus would be viable at 15 weeks, and Supreme Court precedent prohibits states from banning abortions prior to viability. The U.S. Court of Appeals for the Fifth Circuit affirmed.

### Question

Is Mississippi’s law banning nearly all abortions after 15 weeks’ gestational age unconstitutional?

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The above summary is taken from [Oyez.org](https://www.oyez.org). You can listen to oral arguments and read the final decision on their website: "Dobbs v. Jackson Women's Health Organization." Oyez. Accessed August 24, 2023. <https://www.oyez.org/cases/2021/19-1392>.



## Conclusion



Justices ordered  
by seniority,  
from left to right.

Thomas Breyer Roberts Alito Sotomayor Kagan Gorsuch Kavanaugh Barrett

### 6-3 Decision for Thomas E. Dobbs • Majority Opinion by Samuel A. Alito, Jr.

The Constitution does not confer a right to abortion; *Roe v. Wade*, 410 U.S. 113, and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, are overruled. Justice Samuel Alito authored the majority opinion of the Court.

The Constitution does not mention abortion. The right is neither deeply rooted in the nation's history nor an essential component of "ordered liberty." The five factors that should be considered in deciding whether a precedent should be overruled support overruling *Roe v. Wade* and *Planned Parenthood v. Casey*: (1) they "short-circuited the democratic process," (2) both lacked grounding in constitutional text, history, or precedent, (3) the tests they established were not "workable," (4) they caused distortion of law in other areas, and (5) overruling them would not upend concrete reliance interests.

Justices Clarence Thomas and Brett Kavanaugh concurred.

Chief Justice John Roberts concurred in the judgment.

Justices Stephen Breyer, Sonia Sotomayor, and Elena Kagan dissented.