

**Exhibit B**

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 20-1087**

**September Term, 2021**

**FDA-85FR13312**

**Filed On:** November 22, 2021

The Judge Rotenberg Educational Center,  
Inc.,

Petitioner

v.

United States Food and Drug Administration,  
et al.,

Respondents

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Consolidated with 20-1088

**BEFORE:** Srinivasan, Chief Judge; Henderson, Rogers, Tatel, Millett, Pillard,  
Wilkins, Katsas, Rao, Walker, and Jackson, Circuit Judges; and  
Sentelle\*, Senior Circuit Judge

**ORDER**

Upon consideration of the petition for rehearing en banc for the Federal respondents, the joint response thereto, and the absence of a request by any member of the court for a vote; and the corrected motion of the American Academy of Pediatrics, et al. for invitation to file brief as amici curiae in support of petition for rehearing en banc, and the lodged brief of amici curiae, it is

**ORDERED** that the motion be granted. The Clerk is directed to file the lodged brief of amici curiae. It is

**FURTHER ORDERED** that the petition for rehearing en banc be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Anya Karaman  
Deputy Clerk

\* Senior Circuit Judge Sentelle would deny the motion for invitation to file brief as amici curiae.