

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 23<sup>rd</sup> day of December, two thousand twenty.

Before: Jon O. Newman,  
Guido Calabresi,  
Susan L. Carney,  
*Circuit Judges,*

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Leslie Lisnitzer, individually and on behalf of all  
others similarly situated,

Plaintiff - Appellee,

v.

Howard Zucker, M.D., as Commissioner of the  
New York State Department of Health, Michael  
Hein, as Acting Commissioner of the Office of  
Temporary and Disability Assistance of the New  
York State Department of Family Assistance,

Defendants - Appellants.

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**JUDGMENT**

Docket No. 19-470

The appeal in the above captioned case from a judgment of the United States District Court for the Eastern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is AFFIRMED to the extent that it holds that the requirement of final administrative action entails a final determination of Medicaid eligibility and must be made within 90 days of a fair hearing request. The cause is REMANDED to the district court to enter a revised judgment consistent with this opinion and to seek a commitment from state officials that the state will abide by the ruling made in this Court's opinion in all pending cases.

For the Court:  
Catherine O'Hagan Wolfe,  
Clerk of Court

  
