

Cause No. _____

STATE OF TEXAS,

Plaintiff,

v.

DEBRA LYNCH; DELAWARE
COMMUNITY CARE, LLC; HER SAFE
HARBOR,

Defendants.

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**PETITION AND APPLICATION FOR TEMPORARY AND PERMANENT
INJUNCTIVE RELIEF**

Defendant Debra Lynch is a nurse practitioner who operates an illegal abortion-by-mail enterprise known as Her Safe Harbor. From her home in Delaware, Lynch prescribes and ships abortion-inducing drugs into Texas—knowingly and willfully violating Texas law. Lynch and her agents routinely mail packages containing abortion drugs such as mifepristone and misoprostol to women in cities across Texas, including Beaumont, Fulshear, Tomball, Houston, and El Paso.

Lynch’s operation is part of a growing network of out-of-state abortion traffickers that deliberately target Texas residents and defy this State’s duly enacted protections for unborn children and their mothers. Lynch has boasted to media outlets, including the Austin-American Statesman, that she “mails a lot [of abortion drugs] to Texas.”¹ This conduct directly violates the Human Life Protection Act (HLPAct), Tex. Health & Safety Code § 170A.002, and Texas’s

¹ Bridget Grumet, *Abortion Pills by Mail Surge Despite Texas’ Bans. How Long Can It Last?*, AUSTIN AMERICAN-STATESMAN (Jan. 16, 2025), <https://www.statesman.com/story/opinion/columns/2025/01/16/abortion-pill-texas-ban-law-mifepristone-misoprostol-plan-c-pills/77332833007/>.

prohibitions on the unlicensed practice of medicine. *See* Tex. Occ. Code § 155.001; Tex. Occ. Code § 165.159; *see also* Tex. Health & Safety Code § 170A.002(b)(1); *id.* § 171.003.

This illegal operation endangers the lives of unborn children and their mothers and must be stopped. The Attorney General is charged with protecting unborn children through enforcement of the HLPAs. This Court should act swiftly to enjoin Defendants from continuing to operate their illegal scheme and impose the highest civil penalties authorized by law for each violation of Texas law.

DISCOVERY CONTROL PLAN

1. Texas intends to conduct discovery under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

PARTIES

2. Plaintiff the State of Texas is a sovereign state.

3. Defendant Debra Lynch is a nurse practitioner residing in Newark, Delaware, who operates a telehealth abortion service.

4. Defendant Delaware Community Health, LLC is a limited liability corporation owned by Defendant Lynch and, on information and belief, doing business under the assumed name Her Safe Harbor, through which Defendant Lynch provides illegal services.

5. Defendant Her Safe Harbor is an online abortion telemedicine service owned and controlled by Lynch.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over the claims asserted under Article V, § 8 of the Texas Constitution, Section 24.007 of the Texas Government Code, and Sections 65.021 and 17.042 of the Texas Civil Practice and Remedies Code.

7. Venue is proper in Jefferson County, Texas under Texas Civil Practice & Remedies Code § 15.002(a)(1) because all or a substantial part of the events or omissions giving rise to this claim occurred in Jefferson County, Texas.

LEGAL BACKGROUND

8. Texas law generally prohibits a person from knowingly performing, inducing, or attempting an abortion. Tex. Health & Safety Code § 170A.002(a).

9. The Human Life Protection Act states that “[a] person may not knowingly perform, induce, or attempt an abortion.” Tex. Health & Safety Code § 170A.002. The only exception to that prohibition is if the “person performing, inducing, or attempting the abortion is a licensed physician,” and, in the licensed physician’s “exercise of reasonable medical judgment,” the woman on whom the abortion is performed “has a life-threatening physical condition” arising from a pregnancy that places her “at risk of death or poses a serious risk of substantial impairment of a major bodily function unless the abortion is performed.” Tex. Health & Safety Code § 170A.002(b)(2). The potential criminal penalty for violating this law is anywhere from two years to life in prison and a civil penalty of not less than \$100,000. Tex. Health & Safety Code § 170A.004; Tex. Penal Code §§ 12.32–.33. The attorney general is authorized to collect a civil penalty of not less than \$100,000 for each violation of Tex. Health & Safety Code § 170A.002, may recover costs and attorneys’ fees, Tex. Health & Safety Code § 170A.005, and may seek other civil remedies. Tex. Health & Safety Code § 170A.006.

10. In circumstances in which Texas law permits an abortion, the abortion may only be performed by a physician licensed to practice medicine in the State of Texas. Tex. Health & Safety Code § 170A.002(b)(1); *id.* § 171.003. A physician performing or inducing an abortion must have active admitting privileges at a hospital that is located not further than 30 miles from the location at which the abortion is performed or induced. *Id.* § 171.0031(a).

11. Texas law prohibits a person from practicing medicine in this state unless the person holds a license and complies with registration requirements. Tex. Occ. Code § 155.001; Tex. Occ. Code § 165.159.

FACTUAL BACKGROUND

12. Defendant Debra Lynch operates Her Safe Harbor, a telemedicine company that mails abortion drugs nationwide from Delaware.

13. According to a January 16, 2025 Austin American-Statesman article, Lynch admitted that she and her staff “mail a lot [of abortion drugs] to Texas,” including Beaumont, Fulshear, Tomball, Houston, and El Paso, and that “[e]verybody ... Aid Access, ourselves, some of these other small groups — we are all shipping to Texas.”²

14. Defendant Lynch is not a physician. Despite not having a license to practice medicine in Texas, Lynch and other Her Safe Harbor providers prescribe abortion drugs via telehealth consultations to Texas residents.³

² Bridget Grumet, *Abortion Pills by Mail Surge Despite Texas’ Bans. How Long Can It Last?*, AUSTIN AMERICAN-STATESMAN (Jan. 16, 2025), <https://www.statesman.com/story/opinion/columns/2025/01/16/abortion-pill-texas-ban-law-mifepristone-misoprostol-plan-c-pills/77332833007/>.

³ www.hersafeharbor.com.

Abortion with medicines until 10 weeks after your last period.

- 1. Click **Begin Consultation** to answer questions about your situation and medical health.
- 2. The person requesting the consultation must answer the questions truthfully. We do not share any information about you with others!
- 3. You need to upload an ID.
- 4. A healthcare provider reviews your information to ensure you can safely use the medication. If the provider needs more information, we will contact you.
- 5. **You will receive an email for your making your payment.**
- 6. Your assigned healthcare provider writes your prescription after we receive your payment.
- 7. Your order is processed and shipped with **1 mifepristone tablet and 2 doses of 4 misoprostol tablets** (FDA approved) and **2 Zofran (Anti Nausea), 4 Ibuprofen**. (You won't find anyone else who provides nausea and pain medication).

Shipping takes 4-6 days.

The help desk and providers are there to support you through email: contact@hersafeharbor.com or phone: **302-660-1273**

Begin Consultation

Donate

15. Lynch, along with her husband and volunteers, then package and mail the abortion drugs across state lines and into Texas:⁴

The screenshot shows a website header with a teal background and a white navigation menu. The navigation menu includes: "Abortion Pills", "Medication Abortion", "Why Us?", "Women's Reproductive Care", and "Resources". Below the navigation is a large teal banner with the text "Skip The Clinic, Get FDA Approved" in white. Underneath this banner, in a light teal box, is the text "Abortion Pills Prescribed By Licensed Healthcare Providers With Free On-Demand Medical Support." Below that is another teal banner with the text "We Help Women in all 50 States!" in white. At the bottom of the screenshot is a teal button with the text "Begin Consultation" in white.

⁴ Defendants' website advertises their operations in all 50 states, including Texas. See www.hersafeharbor.com.

16. In June 2025, the New York Times reported that Her Safe Harbor ships hundreds of packages every month “to any address patients request.”⁵ Lynch permitted reporters to listen in on calls she took from two Texas women seeking abortion pills, during which she advised one woman how best to obtain false documentation from the emergency room that she was having a miscarriage instead of an abortion.⁶

17. Lynch told the New York Times that “her service . . . is designed for patients in states with abortion bans and restrictions” and that she intentionally disregards Delaware law, which would require her to include copies of the prescriptions in the abortion pill packages, in order to hide traceable information that might aid law enforcement in states that prohibit abortion.⁷ According to Lynch, Her Safe Harbor sends receipts with medical codes for urinary tract infections to obscure the true nature of the purchase.⁸

18. These shipments of abortion-inducing drugs into Texas constitute acts of performing, inducing, and attempting abortions in violation of Tex. Health & Safety Code § 170A.002, and the performance of abortions without a physician’s license in violation of the Texas Occupations Code and Texas Health and Safety Code. Tex. Occ. Code § 155.001; Tex. Occ. Code § 165.159; Tex. Health & Safety Code § 170A.002(b)(1); *id.* § 171.003.

19. Each mailed package represents a separate violation of the HLPAs.

20. On August 14, 2025, the Office of the Attorney General sent a Notice of Cease and Desist outlining the myriad of state and federal laws which prohibit Defendants’ conduct and instructed Defendants to “notify the OAG of the steps

⁵ Pam Belluck, *A Day With One Abortion Pill Prescriber*, THE NEW YORK TIMES (Jun. 9, 2025) <https://www.nytimes.com/2025/06/09/health/a-day-with-one-abortion-pill-prescriber.html?register=email&auth=register-email#>.

⁶ *See id.*

⁷ *See id.*

⁸ *Id.*

you have taken to remedy your violations of Texas law within 14 days of this letter.”⁹

21. To date, the Office of the Attorney General has not received a response from Defendants.

22. Instead, the following month, Lynch announced to one media outlet that Her Safe Harbor was continuing operations unabated. According to Lynch: “We don’t fear fines or jail time at all.”¹⁰

COUNT 1
VIOLATION OF THE HUMAN LIFE PROTECTION ACT

23. Defendants knowingly performed, induced, or attempted abortions in violation of the Human Life Protection Act. Tex. Health & Safety Code § 170A.002.

24. Defendants are liable for civil penalties of not less than \$100,000 for each violation of the Human Life Protection Act. Tex. Health & Safety Code § 170A.005.

COUNT 2
PRACTICING MEDICINE WITHOUT A LICENSE

25. Defendants performed abortions without a physician’s license in violation of the Texas Occupations Code and Texas Health and Safety Code. Tex. Occ. Code § 155.001; Tex. Occ. Code § 165.159; Tex. Health & Safety Code § 170A.002(b)(1); *id.* § 171.003.

26. Defendants are liable for civil penalties of \$1,000 for each violation. Tex. Occ. Code § 165.101(a). Each day a violation continues constitutes a separate violation. *Id.* § 165.101(b).

⁹ Office of the Att’y Gen., Tex., Debra A. Lynch Notice of Cease and Desist, Aug. 14, 2025. (<https://www.texasattorneygeneral.gov/sites/default/files/images/press/Her%20Safe%20Harbor%20Cease%20and%20Desist.pdf>).

¹⁰ Wendy Glauser, *Despite Legal Threats, Mail-Order Abortions Aren’t Slowing Down*, MEDSCAPE (Sep. 10, 2025), <https://www.medscape.com/viewarticle/despite-legal-threats-mail-order-abortion-arent-slowng-2025a1000nw2>.

APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

27. “A temporary injunction’s purpose is to preserve the status quo of the litigation’s subject matter pending a trial on the merits.” *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

28. To obtain a temporary injunction, an applicant must plead and prove: “(1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.” *Id.* These requirements are readily met here.

A. Texas is Likely to Succeed on the Merits

29. Texas is likely to succeed on the cause of action described above.

30. The Human Life Protection Act prohibits Defendants from knowingly performing, inducing, or attempting an abortion, unless the mother has “a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that places [her] at risk of death or poses a serious risk of substantial impairment of a major bodily function unless the abortion is performed or induced.” Tex. Health & Safety Code § 170A.002.

31. By prescribing and mailing abortion-inducing drugs to Texas residents for the purpose of performing elective abortions, Defendants have violated the Human Life Protection Act.

32. By performing abortions without a physician’s license, Defendants have violated the Texas Health & Safety Code and Texas Occupations Code. Tex. Occ. Code § 155.001; Tex. Occ. Code § 165.159; Tex. Health & Safety Code § 170A.002(b)(1); *id.* § 171.003.

33. Texas is not required to establish that it will prevail at trial to obtain a temporary injunction; it need only plead a cause of action and show a probable right to the relief sought. *Sun Oil Co. v. Whitaker*, 424 S.W.2d 216, 218 (Tex. 1968).

B. Texas will be Imminently and Irreparably Injured Absent an Injunction

34. This litigation implicates important State interests, namely, the sanctity of life and of its laws.

35. “An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by any certain pecuniary standards.” *Butnaru*, 84 S.W.3d at 204. Texas’s sovereign interest in the enforcement of its own laws is one such irreparable injury. *See, e.g., State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020).

36. The termination of unborn life is also necessarily irreparable. “Even before the Supreme Court overturned *Roe v. Wade*, courts recognized that legitimate interests support abortion regulation laws, including preservation of prenatal life at all stages of development and the protection of maternal health and safety.” *State v. Zurawski*, 690 S.W.3d 644, 670 (Tex. 2024) (quotation marks omitted).

37. Lynch has publicly boasted that she “mails a lot [of abortion drugs] to Texas.”¹¹ The Austin-American Statesman reported that Lynch has been prescribing and shipping abortion drugs to Texas residents in quantities that would facilitate up to 162 abortions per week.¹² The information from Defendants’ own website demonstrates that Defendants are operating an illegal abortion-pills-on-demand service and violating the Human Life Protection Act and Texas’s prohibition on the unlicensed practice of medicine.

38. Defendants’ continued violation of law is probable and imminent.

39. Unless Defendants are restrained by this Court—with relief that is enforceable by a contempt order—Defendants will continue to violate Texas law.

¹¹ Bridget Grumet, *Abortion Pills by Mail Surge Despite Texas’ Bans. How Long Can It Last?*, AUSTIN AMERICAN-STATESMAN (Jan. 16, 2025), <https://www.statesman.com/story/opinion/columns/2025/01/16/abortion-pill-texas-ban-law-mifepristone-misoprostol-plan-c-pills/77332833007/>.

¹² *Id.*

C. Emergency Injunctive Relief is Necessary to Preserve the Status Quo

40. The status quo is “the last actual, peaceable, non-contested status which preceded the pending controversy.” *Janus Films, Inc. v. City of Fort Worth*, 358 S.W.2d 589 (Tex. 1962) (internal quotations omitted). Here, the status quo is before Defendants violated state law to perform, induce, and attempt elective abortions. It is crucial that this Court maintain the status quo during the pendency of this action to protect unborn children and ensure mothers’ lives are not put at risk.

DEMAND FOR RELIEF

The State of Texas demands the following relief:

- (1) A temporary and permanent injunction that prohibits Defendants and any of their officers, agents, servants, employees, attorneys, representatives, and all persons acting in concert or participation with, on behalf of, or under the direct or indirect control of Defendants from performing, inducing, or attempting abortions in violation of State law;
- (2) A temporary and permanent injunction that prohibits Defendants and any of their officers, agents, servants, employees, attorneys, representatives, and all persons acting in concert or participation with, on behalf of, or under the direct or indirect control of Defendants from practicing medicine without a physician's license in violation of State law;
- (3) An award of costs and attorneys' fees;
- (4) All other relief that the Court may deem just, proper, or equitable.

Dated: January 27, 2026

Respectfully submitted.

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DECLARATION

My name is Amy S. Hilton, and I am an employee of the Office of the Texas Attorney General. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts contained in *Texas's Petition and Application for Temporary and Permanent Injunctive Relief* are true and correct.

Executed in Travis County, Texas, on the 27th day of January, 2026.

/s/ Amy S. Hilton