

FOR PUBLICATION

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

LINDSAY HECOX; JANE DOE, with
her next friends Jean Doe and John
Doe,

Plaintiffs-Appellees,

v.

BRADLEY LITTLE, in his official
capacity as Governor of the State of
Idaho; SHERRI YBARRA, in her
official capacity as the Superintendent
of Public Instruction of the State of
Idaho and as a member of the Idaho
State Board of Education;
INDIVIDUAL MEMBERS OF THE
STATE BOARD OF EDUCATION,
in their official capacities; BOISE
STATE UNIVERSITY; MARLENE
TROMP, in her official capacity as
President of Boise State University;
INDEPENDENT SCHOOL
DISTRICT OF BOISE CITY, # 1;
COBY DENNIS, in his official
capacity as superintendent of the
Independent School District of Boise
City #1; INDIVIDUAL MEMBERS
OF THE BOARD OF TRUSTEES OF

No. 20-35813

D.C. No. 1:20-cv-
00184-DCN

ORDER

THE INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, # 1; in their official capacities; INDIVIDUAL MEMBERS OF THE IDAHO CODE COMMISSION, in their official capacities,

Defendants-Appellants,

and

MADISON KENYON; MARY MARSHALL,

Intervenors.

LINDSAY HECOX; JANE DOE, with her next friends Jean Doe and John Doe,

Plaintiffs-Appellees,

v.

BRADLEY LITTLE, in his official capacity as Governor of the State of Idaho; SHERRI YBARRA, in her official capacity as the Superintendent of Public Instruction of the State of Idaho and as a member of the Idaho State Board of Education; INDIVIDUAL MEMBERS OF THE STATE BOARD OF EDUCATION, in their official capacities; BOISE

No. 20-35815

D.C. No. 1:20-cv-00184-DCN

STATE UNIVERSITY; MARLENE TROMP, in her official capacity as President of Boise State University; INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, # 1; COBY DENNIS, in his official capacity as superintendent of the Independent School District of Boise City #1; INDIVIDUAL MEMBERS OF THE BOARD OF TRUSTEES OF THE INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, # 1; in their official capacities; INDIVIDUAL MEMBERS OF THE IDAHO CODE COMMISSION, in their official capacities,

Defendants,

and

MADISON KENYON; MARY MARSHALL,

Intervenors-Appellants.

Filed April 29, 2024

Before: Kim McLane Wardlaw, Ronald M. Gould, and
Morgan Christen, Circuit Judges.

SUMMARY*

Equal Protection/Transgender Status

In light of the Supreme Court's decision in *Labrador v. Poe*, No. 23A763, slip op. (U.S. Apr. 15, 2024), the panel withdrew its opinions filed on August 17, 2023, published at *Hecox v. Little*, 79 F.4th 1009 (9th Cir. 2023) (affirming the district court's order preliminary enjoining Idaho's Fairness in Women's Sports Act, a categorical ban on the participation of transgender women and girls in women's student athletics), with an amended opinion to follow in due course.

ORDER

The opinions filed on August 17, 2023 (Dkt. No. 218), published at *Hecox v. Little*, 79 F.4th 1009 (9th Cir. 2023), are withdrawn in light of the Supreme Court's decision in *Labrador v. Poe*, No. 23A763, slip op. (U.S. Apr. 15, 2024). An amended opinion will follow in due course.

IT IS SO ORDERED.

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.