

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 17-3113

JOEL DOE, a Minor, by and through his Guardians
John Doe and Jane Doe; MACY ROE; MARY SMITH;
JACK JONES, a minor, by and through his Parents
John Jones and Jane Jones, *CHLOE JOHNSON, A minor
by and through her Parent Jane Johnson; *JAMES JONES, A Minor
by and through his Parents John Jones and Jane Jones
Appellants

v.

BOYERTOWN AREA SCHOOL DISTRICT;
DR. BRETT COOPER, In his official capacity as Principal;
DR. E. WAYNE FOLEY, In his official capacity as Assistant Principal;
DAVID KREM, Acting Superintendent

PENNSYLVANIA YOUTH CONGRESS FOUNDATION (Intervenor in D.C.)

*(Pursuant to Court Order dated 04/06/18)

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(E.D. Pa. No. 5-17-cv-01249)
District Judge: Honorable Edward G. Smith

Argued May 24, 2017

Before: MCKEE, SHWARTZ and NYGAARD, Circuit Judges

JUDGMENT

We agree Plaintiffs have not demonstrated a likelihood of success on the merits and that they have not established that they will be irreparably harmed if their Motion to Enjoin the Boyertown School District's policy is denied.

We therefore Affirm the District Court's denial of a preliminary injunction substantially for the reasons that the Court explained in its exceptionally well reasoned Opinion of August 25, 2017.

A formal Opinion will follow. The mandate shall issue forthwith. The time for filing a petition for rehearing will run from the date that the Court's formal opinion is entered on the docket.

For the Court,

Theodore A. McKee
Circuit Judge

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

DATED: May 24, 2018



Certified as a true copy and issued in lieu
of a formal mandate on May 24, 2018

Teste: *Patricia A. Dodszuweit*
Clerk, U.S. Court of Appeals for the Third Circuit

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

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May 24, 2018

Ms. Kate Barkman
United States District Court for the Eastern District of Pennsylvania
James A. Byrne United States Courthouse
601 Market Street
Room 2609
Philadelphia, PA 19106

RE: Joel Doe, et al v. Boyertown Area School District, et al
Case Number: 17-3113
District Court Case Number: 5-17-cv-01249

Dear Ms. Barkman,

Enclosed herewith is the certified judgment together with copy of the opinion or certified copy of the order in the above-captioned case(s). The certified judgment or order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order is also enclosed showing costs taxed, if any.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/ Carmella/cjg
Case Manager
267-299-4928

cc: Maureen P. Alger
David W. Brown
Matthew J. Clark
Leslie Cooper

Mary J. Eaton
Nicholas S. Feltham
Kellie M. Fiedorek
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Jesse R. Loffler
Janice Mac Avoy
Gary S. McCaleb
Shannon P. Minter
Ryan M. Moore
Amanda L. Nelson
Alice O'Brien
Aaron M. Panner
Wesley R. Powell
Cynthia C. Robertson
Mary Catherine Roper
Jeremy L. Samek
Harper Seldin
Ria Tabacco Mar
Randall L. Wenger
Amy Whelan
Scott B. Wilkens
Kara C. Wilson