

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	19-1410, Richard Roe, et al. v. Dep't of Defense, et al.
Originating No. & Caption	1:18-cv-01565, Richard Roe, et al. v. Dep't of Defense, et al.
Originating Court/Agency	U.S. District Court for the Eastern District of Virginia

Jurisdiction (answer any that apply)	
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. § 1292(a)(1)
Time allowed for filing in Court of Appeals	60 days
Date of entry of order or judgment appealed	2/15/2019
Date notice of appeal or petition for review filed	4/16/2019
If cross appeal, date first appeal filed	
Date of filing any post-judgment motion	
Date order entered disposing of any post-judgment motion	
Date of filing any motion to extend appeal period	
Time for filing appeal extended to	
Is appeal from final judgment or order?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If appeal is not from final judgment, why is order appealable? The district court entered a preliminary injunction against defendants, which is appealable under 28 U.S.C. § 1292(a)(1).	

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)	
Is settlement being discussed?	<input type="radio"/> Yes <input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue		
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>Plaintiffs contracted HIV while serving in the Air Force. Their condition prevents them from deploying to North Africa, the Middle East, and Central Asia. Because that is where most airmen are expected to deploy, the Air Force determined that their condition rendered them unable to perform the duties of their position, grade, or rank, and planned to discharge them. Plaintiffs sued, claiming that the discharge decisions violated the equal protection component of the Fifth Amendment's Due Process Clause and the Administrative Procedure Act. The district court entered a nationwide injunction prohibiting the Air Force for making or enforcing any discharge decisions based on the deployment policy prohibiting HIV-positive servicemembers from deploying to North Africa, the Middle East, and Central Asia.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Whether the district court erred in issuing a nationwide preliminary injunction barring the Air Force from “making or enforcing discharge determinations based on” the U.S. Central Command’s policy requiring HIV-positive servicemembers to obtain a waiver before deploying to North Africa, the Middle East, and Central Asia.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party’s address if the party is not represented by counsel. Attach additional page if necessary.)

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Outserve-Sldn
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Adverse Parties (continued)

Adverse Party:

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E-mail:

Phone:

Adverse Party:

Attorney:
Address:

E-mail:

Phone:

