

Rev. 4/18

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
**CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-11707

Caption: <b>Eknes-Tucker v. Att'y Gen., State of Ala.</b>	District and Division: <u>Middle District of Alabama, Northern Division</u> Name of Judge: <u>Hon. Liles C. Burke</u> Nature of Suit: <u>Constitutional - State Statute</u> <hr/> Date Complaint Filed: <u>04/19/2022</u> District Court Docket Number: <u>2:22-cv-184-LCB-SRW</u> <hr/> Date Notice of Appeal Filed: <u>5/16/2022</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant:	<b>See attached.</b>		
<input type="checkbox"/> Plaintiff			
<input checked="" type="checkbox"/> Defendant			
<input type="checkbox"/> Other (Specify)			

For Appellee:	<b>See attached.</b>
<input checked="" type="checkbox"/> Plaintiff	
<input type="checkbox"/> Defendant	
<input type="checkbox"/> Other (Specify)	

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question	<input type="checkbox"/> Final Judgment, 28 USC 1291	<input type="checkbox"/> Dismissal/Jurisdiction	Amount Sought by Plaintiff: \$ _____
<input type="checkbox"/> Diversity	<input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)	<input type="checkbox"/> Default Judgment	Amount Sought by Defendant: \$ _____
<input type="checkbox"/> US Plaintiff	<input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)	<input type="checkbox"/> Summary Judgment	Awarded: \$ _____ to _____
<input type="checkbox"/> US Defendant	<input type="checkbox"/> Interlocutory Order, Qualified Immunity	<input type="checkbox"/> Judgment/Bench Trial	Injunctions:
	<input type="checkbox"/> Interlocutory Order, Final Agency Action (Review)	<input type="checkbox"/> Judgment/Jury Verdict	<input type="checkbox"/> TRO
	<input type="checkbox"/> 54(b)	<input type="checkbox"/> Judgment/Directed Verdict/NOV	<input checked="" type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Granted
		<input checked="" type="checkbox"/> Injunction	<input type="checkbox"/> Permanent <input type="checkbox"/> Denied
		<input type="checkbox"/> Other _____	

Based on your present knowledge:

(1) Does this appeal involve a question of First Impression?  Yes  No  
 What is the issue you claim is one of First Impression? See attached

(2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute?  Yes  No

If Yes, provide

(a) Case Name/Statute Alabama Vulnerable Child Compassion and Protection Act

(b) Citation Ala. Code §§ 22-12E-1 et seq.

(c) Docket Number if unreported \_\_\_\_\_

(3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that

(a) Arises from substantially the same case or controversy as this appeal?  Yes  No

(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal?  Yes  No

If Yes, provide

(a) Case Name Brandt v. Rutledge

(b) Citation \_\_\_\_\_

(c) Docket Number if unreported No. 21-2875 (8th Cir.) - oral argument set for June 15, 2022

(d) Court or Agency \_\_\_\_\_

(4) Will this appeal involve a conflict of law

(a) Within the Eleventh Circuit?  Yes  No

(b) Among circuits?  Yes  No

If Yes, explain briefly:

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

**See attached.**

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 23rd DAY OF May, 2022.

Edmund G. LaCour Jr.

s/ Edmund G. LaCour Jr.

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SIGNATURE OF COUNSEL

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### **Issues of First Impression**

1. Whether the Fourteenth Amendment of the Constitution provides parents a substantive due process right to access puberty blockers and cross-sex hormones for their children for the purpose of gender transition.
2. Whether the Equal Protection Clause prohibits Alabama from banning the administration of puberty blockers and cross-sex hormones to children for the purpose of gender transition.

**Issues proposed to be raised on appeal, including jurisdictional challenges.**

Based on its explicit factual findings regarding the known harms and uncertain benefits of certain gender transition procedures, the Alabama Legislature enacted a law that, as pertinent here, prohibits the administration of puberty blockers and cross-sex hormones to minors for the purpose of gender transition. Four sets of parents and children, two doctors, and a pastor sued the Alabama Attorney General and five district attorneys seeking a preliminary injunction against enforcement of the law. The United States intervened as a plaintiff and also sought a preliminary injunction. The district court preliminarily enjoined defendants from enforcing the prohibitions against anyone in Alabama, holding that the challenged provisions likely violate a substantive due process right of parents to obtain medical procedures for their children and the equal protection rights of children who were prohibited from receiving the procedures. The issue on appeal is whether the district court erred or otherwise abused its discretion by preliminarily enjoining enforcement of Alabama's law.