

**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**.

<b>Appeal No. &amp; Caption</b>	Roe v. U.S. Department of Defense, No. 22-1626
<b>Originating No. &amp; Caption</b>	Roe v. Austin, No. 18-cv-1565
<b>Originating Court/Agency</b>	Eastern District of Virginia

<b>Jurisdiction</b> (answer any that apply)	
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. 1291
Time allowed for filing in Court of Appeals	60 days
Date of entry of order or judgment appealed	4/6/22, 5/10/22
Date notice of appeal or petition for review filed	6/6/22
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 checked="" type="radio"/> Yes <input type="radio"/> No
If appeal is not from final judgment, why is order appealable?	

<b>Settlement</b> (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

<b>Transcript</b> (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 type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input type="radio"/> No

<b>Case Handling Requirements</b> (answer any that apply)	
Case number of any prior appeal in same case	No. 19-1410
Case number of any pending appeal in same case	
Identification of any case pending in this Court or Supreme Court raising similar issue	No. 22-1665
	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 type="radio"/> Yes <input type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes <input 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.

<b>Nature of Case</b> (Nature of case and disposition below. Attach additional page if necessary.)
Several service members and an organization challenge certain military policies related to service by HIV-positive individuals. The district court granted summary judgment, including a permanent injunction, to plaintiffs.

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

The Solicitor General has determined not to seek further review in this matter. However, consistent with 28 USC 530D, this appeal is being maintained to permit Congress to intervene in this matter if it wishes. See 28 USC 530D(b)(2). The Department of Justice intends to dismiss this appeal on July 6, 2022, if no intervention occurs.

**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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