

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 13 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

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; et al.,

Defendants-Appellants,

and

MADISON KENYON; MARY
MARSHALL,

Intervenors.

No. 20-35813

D.C. No. 1:20-cv-00184-DCN
District of Idaho,
Boise

ORDER

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; et al.,

Defendants,

and

MADISON KENYON; MARY

No. 20-35815

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

MARSHALL,

Intervenors-Appellants.

Before: KLEINFELD, WARDLAW, and GOULD, Circuit Judges.

Intervenors-Appellants’ motion to stay the supplemental briefing (Dkt. 158) is **DENIED**. Intervenors-Appellants originally requested supplemental briefing to “address the district court’s mootness determination.” Mot. Dkt. 153. They then filed a motion for a one-week extension of time premised on the assertion that Hecox “apparently did not make the women’s cross-country team for the Fall 2022 semester.” *See* Mot. Dkt. 155. Based on the representations in that motion, the Court granted the requested extension and ordered further briefing on the issue of standing. Dkt. 157.

Now, Intervenors-Appellants request a stay of supplemental briefing on the basis that their initial description of the facts was in error and the BSU cross-country tryouts have apparently *not* yet been held. Mot. Dkt. 158. The Court denies their request and directs the parties to brief: (1) the issue of whether the district court correctly determined the mootness issue; (2) the issue of Hecox’s standing. Intervenors-Appellants already filed their brief on September 9, 2022. Plaintiffs-Appellees’ reply brief is due September 23, 2022.

Please be advised that we are not inclined to grant further extensions of time, and that the Court should be updated with all relevant facts regarding Hecox’s

eligibility and status as they are confirmed.

IT IS SO ORDERED.