

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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; SHERRI YBARRA, in her  
official capacity as the Superintendent  
of Public Instruction of the State of  
Idaho and as a member of the Idaho  
State Board of Education;  
INDIVIDUAL MEMBERS OF THE  
STATE BOARD OF EDUCATION,  
in their official capacities; BOISE  
STATE UNIVERSITY; MARLENE  
TROMP, in her official capacity as  
President of Boise State University;  
INDEPENDENT SCHOOL  
DISTRICT OF BOISE CITY, # 1;  
COBY DENNIS, in his official  
capacity as superintendent of the  
Independent School District of Boise  
City #1; INDIVIDUAL MEMBERS  
OF THE BOARD OF TRUSTEES OF

No. 20-35813

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

ORDER

THE INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, # 1; in their official capacities; INDIVIDUAL MEMBERS OF THE IDAHO CODE COMMISSION, in their official capacities,

*Defendants-Appellants,*

and

MADISON KENYON; MARY MARSHALL,

*Intervenors.*

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; SHERRI YBARRA, in her official capacity as the Superintendent of Public Instruction of the State of Idaho and as a member of the Idaho State Board of Education; INDIVIDUAL MEMBERS OF THE STATE BOARD OF EDUCATION, in their official capacities; BOISE

No. 20-35815

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

STATE UNIVERSITY; MARLENE TROMP, in her official capacity as President of Boise State University; INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, # 1; COBY DENNIS, in his official capacity as superintendent of the Independent School District of Boise City #1; INDIVIDUAL MEMBERS OF THE BOARD OF TRUSTEES OF THE INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, # 1; in their official capacities; INDIVIDUAL MEMBERS OF THE IDAHO CODE COMMISSION, in their official capacities,

*Defendants,*

and

MADISON KENYON; MARY MARSHALL,

*Intervenors-Appellants.*

Filed April 29, 2024

Before: Kim McLane Wardlaw, Ronald M. Gould, and  
Morgan Christen, Circuit Judges.

## SUMMARY\*

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### Equal Protection/Transgender Status

In light of the Supreme Court's decision in *Labrador v. Poe*, No. 23A763, slip op. (U.S. Apr. 15, 2024), the panel withdrew its opinions filed on August 17, 2023, published at *Hecox v. Little*, 79 F.4th 1009 (9th Cir. 2023) (affirming the district court's order preliminary enjoining Idaho's Fairness in Women's Sports Act, a categorical ban on the participation of transgender women and girls in women's student athletics), with an amended opinion to follow in due course.

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### ORDER

The opinions filed on August 17, 2023 (Dkt. No. 218), published at *Hecox v. Little*, 79 F.4th 1009 (9th Cir. 2023), are withdrawn in light of the Supreme Court's decision in *Labrador v. Poe*, No. 23A763, slip op. (U.S. Apr. 15, 2024). An amended opinion will follow in due course.

**IT IS SO ORDERED.**

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\* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.