

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

DEC 11 2023

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

REBECCA ROE, by and through her  
parents and next friends, et al.

Plaintiffs - Appellants,

v.

DEBBIE CRITCHFIELD, in her official  
capacity as Idaho State Superintendent of  
Public Instruction, et al.

Defendants - Appellees,

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STATE OF NEW YORK, et al.

Amici Curiae.

No. 23-2807

D.C. No.

1:23-cv-00315-DCN

District of Idaho, Boise

ORDER

Before: W. FLETCHER, CALLAHAN, and BENNETT.

Order by Judges W. FLETCHER and BENNETT; Dissent by Judge CALLAHAN.

The full court has been advised of the motion for reconsideration en banc of the order granting injunctive relief pending appeal, and no judge has requested a vote on whether to reconsider the motion for injunctive relief en banc. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

The motion for reconsideration en banc (Docket Entry No. 18) is denied.

The existing briefing schedule remains in effect.

CALLAHAN, Circuit Judge, dissenting:

I would grant the motion for reconsideration en banc.