

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

PARENTS DEFENDING EDUCATION,

Plaintiff,

vs.

LINN-MAR COMMUNITY SCHOOL
DISTRICT, et al.,

Defendants.

No. 22-CV-78-CJW-MAR

ORDER

This matter is before the Court on plaintiff’s Motion for Preliminary Injunction. (Doc. 3). Defendants timely resisted (Doc. 17), and plaintiff timely replied (Doc. 21). The Court held oral argument on September 6, 2022. (Doc. 26). On September 12, 2022, the Court denied plaintiff’s motion. (Doc. 28). The same day, plaintiff timely appealed the Court’s order to the United States Court of Appeals for the Eighth Circuit. (Doc. 29). On September 20, 2022, the Court issued a memorandum opinion and order providing a more detailed reasoning of its decision to deny plaintiff’s motion. (Doc. 38).

On September 29, 2023, the Eighth Circuit issued its opinion ruling on plaintiff’s appeal. *Parents Defending Educ. v. Linn-Mar Cmty. Sch. Dist.*, No. 22-2927 (8th Cir. Sept. 29, 2023). The Eighth Circuit dismissed as moot the portion of the appeal concerning an alleged violation of plaintiff’s substantive due process rights and vacated the Court’s orders of September 12 and September 20, 2022. The Eighth Circuit remanded the case to the Court with directions to grant a preliminary injunction against enforcement of the portion of defendants’ policy that prohibits an intentional or persistent refusal “to respect a student's gender identity.”

For the reasons contained in the opinion issued by the Eighth Circuit, plaintiff’s Motion for Preliminary Injunction (Doc. 3) is **granted** to the extent that defendants are

prohibited during the pendency of this litigation from enforcing the portion of Board Policy 504.13-R that prohibits an intentional or persistent refusal “to respect a student’s gender identity.”

IT IS SO ORDERED this 2nd day of October, 2023.



C.J. Williams
United States District Judge
Northern District of Iowa