No. 25-952

IN THE UNITED STATES
CIRCUIT COURT FOR THE SECOND CIRCUIT

JENNIFER VITSAXAKI,
Appellant,
v.
SKANEATELES CENTRAL SCHOOL DISTRICT, and
SKANEATELES CENTRAL SCHOOLS' BOARD OF EDUCATION,
Respondents.

On Appeal from the United States District Court
for the Northern District of New York
Case No. 5:24-cv-001155

BRIEF *AMICI CURIAE* OF HAWAII FAMILY FORUM, ILLINOIS FAMILY INSTITUTE, WISCONSIN FAMILY ACTION, ETHICS AND RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION, CONCERNED WOMEN FOR AMERICA, PACIFIC JUSTICE INSTITUTE, and THE NATIONAL LEGAL FOUNDATION
in Support of the Appellant and urging reversal

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CORPORATE DISCLOSURE STATEMENT

None of the *Amici Curiae* have issued shares to the public, and no *Amicus* has any parent company, subsidiary, or affiliate that has issued shares to the public. Thus, no publicly held company can own more than 10% of stock.

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Statements of Interests[1]

Hawaii Family Forum (HFF) was established in 1998 to protect, preserve, and strengthen Hawaii's ohana (family). HFF is a non-profit, pro-family research and education organization that provides resources that equip citizens to make their voices heard on critical social policy issues involving the sanctity of human life, the preservation of religious liberties, and the well-being of the ohana as the building block of society.

Illinois Family Institute (IFI) is a non-profit educational and lobbying organization based in Tinley Park, Illinois, that exists to advance life, faith, family, and religious freedom in public policy and culture from a Christian worldview. IFI's core values include upholding parental rights and championing religious freedom and conscience rights for all individuals and organizations.

Wisconsin Family Action (WFA) is a Wisconsin not-for-profit organization dedicated to strengthening, preserving, and promoting marriage, family, life and religious freedom. WFA has a unique and significant statewide presence with its educational and advocacy work in public policy and the culture. WFA's interest in

[1] No counsel for any party authored this brief in whole or in part. No person or entity other than *amici* and their counsel made a monetary contribution intended to fund the preparation or submission of this brief. The Appellees did not consent to the filing of this Brief; thus it is accompanied by a Motion for Leave to File.

this case stems directly from its core issues, in particular its long-sustained efforts to protect and promote the family.

The Ethics and Religious Liberty Commission (ERLC) is the moral concerns and public policy entity of the Southern Baptist Convention (SBC), the nation's largest Protestant denomination, with nearly 13 million members in more than 45,000 churches and congregations. The ERLC is charged by the SBC with addressing public policy affecting such issues as religious liberty, marriage and family, the sanctity of human life, and ethics. The ERLC affirms that God has established the family as the first and most foundational institution of society and has an interest in ensuring that parents have the freedom to make decisions regarding the upbringing, education, and healthcare of their children.

Concerned Women for America (CWA) is the largest public policy organization for women in the United States, with approximately half a million supporters from all 50 States. Through its grassroots organization, CWA encourages policies that strengthen women and families and advocates for the traditional virtues that are central to America's cultural health and welfare, including religious and familial liberties. CWA actively promotes legislation, education, and policymaking consistent with its philosophy. Its members are people whose voices are often overlooked—everyday, middle-class American women whose views are not represented by the powerful elite.

The Pacific Justice Institute (PJI) is a non-profit legal organization established under section 501(c)(3) of the Internal Revenue Code. Since its founding in 1997, PJI has advised and represented in court and administrative proceedings thousands of individuals, businesses, and religious institutions, particularly in the realm of First Amendment rights. As such, PJI has a strong interest in the development of the law in this area. PJI often represents teachers, parents, and their children to vindicate their constitutional rights in the public schools. PJI has an office and operates in New York.

The National Legal Foundation (NLF) is a public interest law firm dedicated to the defense of First Amendment liberties (including the freedoms of speech, assembly, and religion) and parental rights. The NLF and its donors and supporters, in particular those from Tennessee, are vitally concerned with the outcome of this case because of its effect on religion-based parental rights.

Summary of Argument

The decision below allows the public schools to subvert parental rights. It should be reversed for multiple reasons.

Your *Amici* focus on three such reasons. First, the naming of children is not a scholastic matter, as the district court held, but a parental one. Second, contrary to the district court, schools have a duty to disclose to parents when their child decides to exhibit as transgender. And, third, the school's purported "interests" on

which the district court relied are really just a nullification of parental rights and so do not support even a rational basis for the school's policy, much less a compelling one.

Argument

I. The Naming of Minor Children Is a Parental Responsibility

The district court held that the name a child is called at school, along with associated pronouns, "strikes at the heart of the subject and manner of instruction a school district is entitled to implement for its students." (JA111.) This certainly comes as a surprise, as it is parents who name their children at birth, who register their children for attendance at school, who tell the school the sex of their child, and who instruct the school what name and nickname its teachers, counselors, and administrators should use for their child.

Because a child wishes to adopt a new name at school as a consequence of deciding to exhibit as transgender does not convert that renaming by the child into the "subject and manner of instruction" of the school. It is not something initiated by the school, and it is not a classroom course of study or part of the curriculum. As Judge Niemeyer stated regarding a similar school "Parental Preclusion Policy,"

> While the science and medicine related to gender identification, gender dysphoria, and gender transitioning are, these days, being actively debated, it is clear that developing and implementing a gender transition plan for minor children without their parents' knowledge and consent do not simply implicate a school's curricular decisions but go much further to implicate the very personal decisionmaking about children's health, nurture, welfare, and

> upbringing, which are fundamental rights of the Parents. *See Troxel [v. Granville],* 530 U.S. [57,] 65 [(2002)]; *Parham v. J.R.,* 442 U.S. 584, 602 (1979); *Stanley v. Illinois,* 405 U.S. 645, 651 (1972); *Ricard v. USD 475 Geary Cnty. Sch. Bd.,* No. 5:22-cv-4015, 2022 WL 1471372, *8 (D. Kan. May 9, 2022).

Parents 1 v. Montgomery Cnty. Bd. of Educ., 78 F.4th 622, 646 (4th Cir. 2023) (Niemeyer, J., dissenting).[2]

Whether a child should socially transition as transgender with a new name and pronouns is a difficult and critically important decision that will have repercussions for the rest of the child's life. It is well established that *parents* get to make such decisions for their minor children. As the Supreme Court explained in *Parham,* children lack the "maturity, experience, and capacity for judgment required for making life's difficult decisions." 442 U.S. at 602. And in *Troxel,* the Court repeated that parents have a "fundamental right to make decisions concerning the care" of their minor children. 530 U.S. at 72 (plurality op.).

[2] While Judge Niemeyer was writing in dissent, he was the only judge on the panel that reached the merits, as the majority held that the particular parents who sued in that case did not have standing. Nevertheless, the majority went to some pains to remark that "this does not mean [the parents'] objections are invalid," *id.* at 626, and that the parents made "compelling arguments" that the "Parental Preclusion Policy" of hiding from parents that their child is changing names and exhibiting as transgender is unlawful. *Id.* at 636; *see also Doe 1 v. Madison Metro. Sch. Dist.*, 2022 WI 65, 976 N.W.2d 584, 599 (2022) (Roggensack, J., dissenting) (while the four-member majority avoided addressing the merits of a similar parental preclusion policy on procedural grounds, three justices would have reached the merits and ruled that it violated the parents' federal constitutional rights).

The Supreme Court elucidated in *Parham* that, even if the decision of the parents "is not agreeable to a child or . . . involves risks," it "does not diminish the parents' authority to decide what is best for the child." 442 U.S. at 603-04. The Court continued that a child's disagreement with the parents does not "automatically transfer the power to make that decision from the parents to some agency or officer of the state." *Id.* at 603. That is true even when the "agency or officer of the state" is a school district or its employee.

Properly understood, the curricular carve-out to parental control deals only with internal school choices that must be applied uniformly to allow a school to function, such as the substance of classroom instruction and hours of operation. Transgenderism, like other medical or psychological conditions, although it may need to be addressed while the child is in school, is not part of the primary educational mission for which parents have entrusted their children to the public schools.

Of course, there is a limit to the curriculum exception, even as to the matters directly affecting education. For example, grades are central to the educational function of the school, but a school certainly could not refuse to disclose an individual student's grades to the parents because the student was afraid of the parents' reaction or wanted to keep them secret. Much less can a school withhold

information from parents about their child's transgender behavior, which is not part of the school's delegated education function.

II. Public Schools Have a Duty to Tell Parents That Their Children Are Taking Other Names and Socially Transitioning

The district court held that the school was excused from failing to report the child's gender and name transition because "there is no notice requirement imposed on the government to apprise parents of their rights—only a limitation on the ways it may intrude upon those rights." (JA112.) This, too, was error. The passive/active distinction may work in some situations, but it doesn't work in the public schools, either practically or legally. And it doesn't work to suggest that parents should just be satisfied with being "free at home" to instruct their children as to their views about transgenderism and renaming, as the district court also held. (JA113.)

When the government infringes constitutional rights, it does not suffice to argue that the individuals wronged may still exercise their rights at a different time or in a different place.[3] For example, when a city prohibits use of a public park by some denominations but not others, it is no defense to say that those foreclosed can still practice their religion elsewhere. *See Fowler v. R.I.*, 345 U.S. 67 (1953). Nor could the school district be excused for its sanctioning of Coach Kennedy for his

[3] Of course, this case does not involve a time, place, or manner restriction.

praying on the field because he could have said the same prayer elsewhere. *See Kennedy v. Bremerton Sch. Dist.,* 597 U.S. 507 (2023). Similarly, just because the parents may exercise their free exercise and parental rights when their children are not at school does not excuse this school district's violation of parental rights while the children are at school. To paraphrase *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), the parents' rights to care for and make decisions for their minor children do not stop at the schoolhouse gate. *See id.* at 506 (noting that school actions may unconstitutionally interfere with parental rights).

The district court's suggestion that parental rights only come into play when parents affirmatively request information from the school about whether their child is transitioning doesn't hold water, either. (JA112.) *Any* infringement or hindrance of fundamental, parental rights violates them. *See Prince v. Mass.,* 321 U.S. 158, 166 (1944). In this context, two, well established features of parental rights are directly brought into play.

First, for a century it has been recognized that parents have the right to decide whether their child should attend, or continue to attend, a public school. *See Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534-35 (1925). Obviously, a key reason parents may wish to remove their child from public school, as the facts here demonstrate, is if the school is not cooperating with the parents on the issue of

their child exhibiting as transgender. When a school keeps secret from parents that their child is transitioning, the school is preventing the parents from exercising their responsibilities. Thus, the school must provide *timely*, contemporaneous notification to them. Parents do not have the burden to keep asking the school if their child is exhibiting as transgender (which the school by policy is hiding from them in any event). The parents told the school what to call their child and what sex their child was when they registered their child. The school violates those parental instructions on this critically important, life-changing decision when it starts honoring a child's desire to exhibit as transgender and to hide that decision from the parents. Parents cannot carry out their constitutional responsibilities to decide whether their child should continue to attend the school without this basic information. *See Ricard*, 2022 WL 1471372 at *8.

Second, the rights of parents to direct their children's education does not end with a right to remove their child from the school. As the district court appears to recognize (JA112), parents also have a constitutional right to supplement their children's education by instruction of their own, especially about subject matters like alternative lifestyles, and they have a right to do so with specificity, knowing when and what their child is being taught and how their child is being counseled at school. *See Winkelman v. Parma City Sch. Dist.,* 550 U.S. 516, 529 (2007) ("It is not a novel proposition to say that parents have a recognized legal interest in the

education and upbringing of their child.); *Wis. v. Yoder,* 406 U.S. 205, 213-14 1972); *Prince,* 321 U.S. at 166. They can only properly fulfill these fundamental responsibilities if they know what is happening at school in a timely manner. Of course, sufficient information on this score is unavailable from the children themselves. Any parent knows that most children are neither capable nor willing to provide a play-by-play of the school day to their parents. Family relations are also affected when parents have to probe their children repeatedly about subjects. Plus, such probing is difficult on subjects concerning matters to which the parents do not wish to expose their children or if it suggests that parents question whether their children may be disrespecting the parents' wishes, whether they actually are or not.

It is as simple as this: to be able to exercise their rights and responsibilities intelligently, parents need to know what is going on at school. "[I]t is illegitimate to conceal information from parents for the purpose of frustrating their ability to exercise a fundamental right." *Ricard,* 2022 WL 1471372 at *8. A school hiding the ball by failing to disclose when it is violating the instructions parents have given about the name and gender of their child that the school is to use is an unconstitutional infringement of parental rights.

The district court's support for its contrary ruling (and the First Circuit's in *Foote v. Ludlow School Committee*, 128 F.4th 336, 354 (1st Cir. 2025)) is

DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189 (1989). (JA112.) That only shows the district court's misconception of the role of public schools. In *DeShaney*, a county's social service agency, despite indications that a child might be suffering abuse from his father, did not promptly intervene, and the child suffered additional harm at his father's hand. The child claimed this was a substantive due process violation, but the Supreme Court rejected that claim because "nothing in the language of the Due Process Clause itself requires the State to protect the life, liberty, and property of its citizens against invasion by private actors." *Id.* at 195. The Court distinguished the abuse situation before it from a setting in which the State had compelled attendance, noting that such a circumstance creates a special relationship between the State and the individuals involved. *Id.* at 199-200.

Here, the situation is very different from that in *DeShaney*, at several levels. First, the State has not been passive; it has acted to deprive parents of their fundamental rights. The school is not just leaving matters alone; if it did that, it would continue to let parents decide the naming of their child and whether the child should exhibit as transgender. Instead, the school is taking affirmative steps to shield the child from the parents' authority and decision making.

Second, the State has acted in its compulsory education laws to require that the child attend school. While some parents have the wherewithal to put their

children in private schools or to home school them, not all parents do. *See Morse v. Frederick,* 551 U.S. 393, 424 (2007) (Alito, J., concurring). As a result, their only alternative to comply with the compulsory education laws is to send them to public school, and that generates an affirmative obligation of the State to keep parents in the know about what is happening at school. The words of the Supreme Court in *Edwards v, Aguillard*, 482 U.S. 578 (1987), address the school situation and identify it as a special relationship:

> Families entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family. Students in such institutions are impressionable and their attendance is involuntary.

Id. at 584; *see also Alfonso v. Fernandez*, 195 A.D.2d 46, 606 N.Y.S.2d 259 (N.Y. App. Div. 1993) (noting compulsory nature of schooling and finding the school violated parental rights when it distributed condoms to students upon their request without giving parents notice).

Third, a public school's authority is best understood as a conditioned consent or delegation from parents. Parents are primarily responsible for their children's education, particularly when religious beliefs come into play. *See Yoder*, 406 U.S. at 413-18; *Meyer v. Neb.*, 262 U.S. 390, 401 (1923). When they send their children to public school along with the children of other parents who may well have other philosophical and religious beliefs, they consent in the main to a

generalized, common instruction for their children. But that does not give a public school *carte blanche* to treat their children however the school wishes. It is also commonly understood that parental consent is conditioned on the school staying in its lane, teaching in accord with its central mission. *See generally* Douglas Laycock, *High-value Speech and the Basic Educ. Mission of a Pub. Sch.*: *Some Prelim. Thoughts*, 12 Lewis & Clark L. Rev. 111 (2008). Professor Laycock gives an "outside-its-lane" example of a public school teaching its students that they should all support the Democratic Party. *Id.* at 117. This would be improper even if the district's populace is heavily Democratic. The stakes are even higher with topics that implicate appropriate sexual lifestyles and the religious beliefs concerning them and also when behavioral, rather than curricular, matters are involved. What Professor Laycock says resonates here:

> Parents entrust the public schools with their children for important but particular purposes. Parents may expect the school to teach skills and values conducive to success in later life, and they may expect the schools to teach fundamental democratic values. But they do not expect the schools to indoctrinate their children on current political or religious questions that may be the subject of substantial disagreement among the parents themselves, either locally or nationally. Indoctrination on that sort of question is not part of the school's basic educational mission . . . .

Id. at 119.

Parental consent to having the public school set behavioral policies (a "civility code" as the district court put it (JA111)) is not unconditional. Schools can go too far and exceed that consent (or delegation). The school district has done

so here, wading into a debate that is roiling our country and encroaching on the fundamental rights of parents to make life-changing decisions for their minor children.[4] Schools cannot leverage compulsory school attendance laws into permission to trample parental and religious rights at will. *See generally* Eric A. DeGroff, *Parental Rights and Pub. Sch. Curricula: Revisiting* Mozert *after 20 Years*, 38 J. of Law & Educ. 83 (2009) (arguing that parental rights are fundamental and require public schools to provide an opt-out when the curriculum violates religious beliefs).

III. The School Has No Legitimate Interests in Hiding Information from Parents, Much Less a Compelling One

The district court applied (wrongly) a rational basis test and found that the stated purpose of "fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression" adequately justifies the school's policy to hide from the parents the fact that their children are socially transitioning. (JA107-

[4] Justice Blacklock of the Texas Supreme Court has described the two sides in the great national debate over the wisdom and propriety of minors exhibiting as transgender as those holding to either the "Transgender Vision" or the "Traditional Vision." He notes that, at their core, the differences reflect moral, religious, and political beliefs. *State v. Loe*, 692 S.W.3d 215, 239-40 (Tex. 2024) (Blacklock, J., concurring). Of course, the differences between the views also involve contested social science, as demonstrated by the Supreme Court's pending case in *United States v. Skrmetti*, No. 24-477 (Sup. Ct., argued Dec. 4, 2024).

108, 114.) This does not state a legitimate state interest, but, rather, is a packaging of impermissible state action in nice-sounding phraseology.

Interests such as fostering a "safe learning environment" by keeping from parents that the school is facilitating their children exhibiting as another gender are illegitimate and, thus, cannot properly be accorded any weight.[5] They all have at their base the assumption that the schools may override the judgment of fit parents about how best to raise their children and what is in their children's best interests. As Judge Niemeyer observed, this does not advance a proper interest, but, instead, nullifies parents' fundamental rights:

> [T]he district court erred in its strict scrutiny analysis by relying on the students' well-being and privacy interests to defeat the Parents' fundamental substantive due process right. Just as it is no defense to an alleged infringement of a plaintiff's First Amendment right to claim a compelling interest in not hearing disagreeable viewpoints, so also is it no defense to an alleged infringement of parental substantive due process rights to claim a compelling interest that is premised on a rejection of that right—in this case, the Board's claimed interest in having matters central to the child's well-being kept secret from and decided by a party other than the parents. In other words, the district court failed to recognize that its analysis was akin to holding there to be a *per se* interest in infringing on the Parents' rights by granting students a superior right to privacy and granting the school the prerogative to decide what kinds of attitudes are not sufficiently supportive for parents to be permitted to have a say in a matter of central importance in

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[5] Nor can the school district claim, as other schools have done, that it is protecting the child's "privacy" interests. A minor child has no such interest vis-à-vis the parents. *See* Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (requiring schools to make available to parents all records regarding their children); *Wyatt v. Fletcher*, 718 F.3d 496, 505 (5th Cir. 2013).

> their child's upbringing. But that is effectively a nullification of the constitutionally protected parental rights.

Parents 1, 78 F.4th at 646 (Niemeyer, J., dissenting). Other circuits have also held in related contexts that the State's second-guessing of the decision of fit parents about what is best for their children is illegitimate and, no matter how the State words its motivating interest, entitled to no weight. *See Doe v. Heck,* 327 F.3d 492, 521 (7th Cir. 2003); *Croft v. Westmoreland Cnty. Children and Youth Servs.*, 103 F.3d 1123, 1126 (3d Cir. 1997); *Brokaw v. Mercer Cnty.,* 235 F.3d 1000, 1019 (7th Cir. 2000).

It does not assist the school (or the district court) to pretend that the policy only affects what happens at school. It doesn't. Just by asking a student at school the questions, "Do you want to tell your parents about your transitioning?" and "Are your parents supportive of your transition?," as the policy requires, school personnel encourage children to distrust their parents. It is just as obvious that a child living a "double life," exhibiting as transgender at school and not at home, creates an emotional distance from the parents and threatens alienation from them after the parents discover that this behavior has been kept secret from them. This is not just a "school matter," and it never can be.

Nor can the school justify its abrogation of parental rights by claiming students will feel better and do better at school if the school takes over these judgment calls for parents at the child's behest. That does not alter the basic point

that *parents* are charged with making these decisions, not school employees or the children themselves. The law presumes that parents, not school boards, act in their children's best interests and are in the best position to know their children's unique temperaments, circumstances, and needs. *See Parham*, 442 U.S. at 602-03. As the Third Circuit put it in *Gruenke v. Seip*, 225 F.3d 290, 307 (3d Cir. 2000), "It is not educators, but parents[,] who have primary rights in the upbringing of children. School officials have only a secondary responsibility and must respect these rights." If the child feels some discomfort at school due to the parents' decision, or even performs more poorly than the school thinks the child might otherwise, that is part and parcel of the parents' decision, one they are entrusted by law to make and that the school must honor. It does not justify the school overriding the parents' decision or collaborating with the student to counter the parents' instructions concerning the name and gender of their child.

The Supreme Court in *Bellotti v. Baird*, 443 U.S. 622 (1979), after repeating its admonition in *Prince* that it "is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations *the state can neither supply nor hinder*," 321 U.S. at 166 (emphasis added), enforced in the context of a minor's desire to abort that parents have a constitutional role in making critical life decisions of a sexual nature for their children:

> Unquestionably, there are many competing theories about the most effective way for parents to fulfill their central role in assisting their children on the way to responsible adulthood. While we do not pretend any special wisdom on this subject, we cannot ignore that central to many of these theories, and deeply rooted in our Nation's history and tradition, is the belief that the parental role implies a substantial measure of authority over one's children. Indeed, "constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society." *Ginsberg v. New York, supra*, [390 U.S. 629], at 639 [(1968)].

433 U.S. at 637-39.[6]

The Supreme Court in *Troxel* held that, even after an evidentiary hearing, courts have no right to override the determination of fit parents about whether it would be in their children's best interests to see their grandparents; minor children do not get a "vote" on such matters. 530 U.S. at 64-70. If that is so, school boards certainly have no right to second-guess the determinations of parents about whether their children should "change genders," a decision with much greater

[6] In *Bellotti*, the Supreme Court was operating under the regime of *Roe v. Wade*, 410 U.S. 113 (1973), requiring it to balance against parental rights the "need to preserve the constitutional right and the unique nature of the abortion decision." 433 U.S. at 642. The Supreme Court upheld a parental notification law provided it had a judicial bypass. *Id.* at 643. Of course, the Supreme Court overruled *Roe* in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), and, post-*Dobbs*, the intermediate appellate court of Florida held a similar parental bypass law to be unconstitutional: "any deprivation of parents' due-process rights to notice and opportunity to be heard can no longer be justified by their children's asserted constitutional right to obtain an abortion (much less a secret abortion that cuts presumptively fit parents out of the decision)." *Doe v. Uthmeier*, 2025 WL 1386707 at *7 (D. Ct. App. Fla., May 14, 2025).

complexity and risk for the children. *See id.* at 80 (Thomas, J., concurring) (stating that the State "lacks even a legitimate governmental interest—to say nothing of a compelling one—in second-guessing a fit parent's decision regarding visitation with third parties"). The district court in *Ricard* put it this way: "It is difficult to envision why a school would even claim—much less how a school could establish—a generalized interest in withholding or concealing from the parents of minor children[] information fundamental to a child's identity, personhood, and mental and emotional well-being such as their preferred name and pronouns." 2022 WL 1471372 at *8 (footnote omitted). The short answer is that a school can't establish any such interest.

Conclusion

The school district here has trampled on the fundamental rights of the parents of the minor child. Parental rights do not stop at the schoolhouse gate, and the naming and gender of a child are not educational matters, but familial ones. This Court should reverse the judgment below.

Respectfully submitted,
this 12th day of June, 2025

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CERTIFICATE OF COMPLIANCE

This brief complies with the word limit of Fed. R. App. P. 32(a)(7)(B) and Local Rule 32.1(a)(4)(A) because this brief contains 4,934 words, excluding parts of the brief exempted by Fed. R. App. P. 32(f).

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in Word 365 using a proportionally spaced typeface, 14-point Times New Roman.

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2025, I electronically served all parties via the Court's ACMS system. I certify that all participants in the case are registered ACMS users.

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