No. 24-38

IN THE

Supreme Court of the United States

BRADLEY LITTLE, in his official capacity as Governor of the State of Idaho; MADISON KENYON; MARY MARSHALL, *et al.*,

Petitioners,

v.

LINDSAY HECOX; JANE DOE, with her next friends JEAN DOE and JOHN DOE,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

SUGGESTION OF MOOTNESS

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INTRODUCTION

Pursuant to this Court's Rule 21.2(b), respondent Lindsay Hecox notifies the Court that she has voluntarily dismissed with prejudice her claims against petitioners in the district court. *See* Notice of Voluntary Dismissal, *Hecox v. Little*, No. 1:20-cv-00184 (D. Idaho), ECF No. 141. By operation of Federal Rule of Civil Procedure 41(a)(1)(A)(i), that notice of voluntary dismissal terminates the proceedings in the district court. Because Ms. Hecox stated in the notice that her dismissal was with prejudice, *see* Fed. R. Civ. P. 41(a)(1)(B), there is no possibility that the controversy might reemerge.

Ms. Hecox respectfully submits that this case is moot because she has no live claim against petitioners. Because Ms. Hecox's voluntary decision to dismiss her claim mooted the case, the court of appeals' decision in her favor should be vacated. The Court should therefore vacate the court of appeals' judgment and remand with instructions to dismiss the appeal. Petitioners' counsel has conveyed that petitioners oppose this request.

STATEMENT

1. Ms. Hecox is a 24-year-old transgender woman and senior at Boise State University ("BSU"). App. A ¶ 2. On April 15, 2020, when she was a freshman at BSU, Ms. Hecox brought this action to challenge House Bill 500 ("H.B. 500"), a then-recently enacted Idaho law that, among other things, bars transgender girls and women from playing on girls' and women's sports teams. Pet. App. 20a. Ms. Hecox alleged that

she intended to try out for the BSU women's track and cross-country teams as a rising sophomore, and that H.B. 500 barred her from doing so in violation of her constitutional and statutory rights. *Id.* Ms. Hecox moved for a preliminary injunction on the basis of her equal protection claim. *See* Pet. App. 21a.

On August 17, 2020, the district court preliminarily enjoined petitioners from enforcing H.B. 500, concluding that Ms. Hecox was likely to succeed on the merits of her equal protection challenge and that the equitable factors likewise favored preliminary injunctive relief. *See* Pet. App. 21a.

2. On appeal, the Ninth Circuit initially remanded the case to the district court to address "unanswered factual questions as to whether Lindsay's claim was moot," given that Ms. Hecox "had tried out for and failed to make the women's track team" and "subsequently withdrew from BSU classes in late October 2020." Pet. App. 21a. The district court determined that Ms. Hecox's claim was not moot, Pet. App. 21a-22a, and the Ninth Circuit affirmed that determination, explaining that Ms. Hecox had "a concrete plan to re-enroll and try out for BSU sports teams," which she "followed through on," including by "playing for the BSU women's club soccer team" since Fall 2022, Pet. App. 22a & n.7.

After briefing by the parties regarding the claims remaining for decision and any intervening authority, Pet. App. 22a, the Ninth Circuit affirmed the district court's preliminary injunction as applied to Ms. Hecox in an amended opinion dated June 7, 2024, Pet. App. 61a.

3. On July 11, 2024, petitioners petitioned for a writ of certiorari, and on July 3, 2025, this Court granted the petition. The same day, the Court granted review in *West Virginia v. B.P.J.*, No. 24-43, which also presents the question of whether a law banning transgender women and girls from participating in women's and girls' sports violates the Equal Protection Clause. Petitioners' merits briefs in both cases are due September 12, 2025, and respondents' merits briefs are due November 10, 2025.

4. While the preliminary injunction has been in place, Ms. Hecox tried out for BSU's National Collegiate Athletic Association ("NCAA") women's cross-country and track teams. Though she did not make the NCAA teams, she participated in women's club soccer at BSU.

In the five years since this case commenced, Ms. Hecox has faced significant challenges that have affected her both personally and academically, including an "illness and her father's passing" in 2022 that impeded her ability to focus on her schoolwork and participate in sports. *See* 9th Cir. Dkt. 190 (Jan. 30, 2023 Order). Although Ms. Hecox has remained in college and has continued to find strength and comradery in sports despite these challenges, she will not graduate until at least May of 2026. App. A ¶ 3.

Ms. Hecox has also come under negative public scrutiny from certain quarters because of this litigation, and she believes that such continued—and likely intensified—attention in the coming school year will distract her from her schoolwork and prevent her from meeting her academic and personal goals. *Id.* ¶ 7. While playing women's sports is important to Ms.

Hecox, her top priority is graduating from college and living a healthy and safe life. *See id.* ¶¶ 4-6.

Ms. Hecox has therefore decided to permanently withdraw and refrain from playing any women's sports at BSU or in Idaho covered by H.B. 500. *Id.* ¶¶ 6, 9-10. Ms. Hecox has firmly committed not to try out for or participate in any school-sponsored women's sports covered by H.B. 500. *Id.*

Accordingly, on September 2, 2025, Ms. Hecox filed the Notice of Voluntary Dismissal, dismissing her complaint with prejudice. *See* Notice of Voluntary Dismissal.

ARGUMENT

Under Rule 41(a)(1)(A)(i), Ms. Hecox has an "absolute right" to dismiss her case before service of an answer or summary judgment motion. *Duke Energy Trading & Mktg., LLC v. Davis*, 267 F.3d 1042, 1049 (9th Cir. 2001). By filing a "self-effectuating" notice of voluntary dismissal, Ms. Hecox has terminated her case in district court, *Griggs v. S.G.E. Mgmt., L.L.C.*, 905 F.3d 835, 840 (5th Cir. 2018), and she no longer has a live claim against petitioners, *see, e.g.*, *Frank v. Minn. Newspaper Ass'n,* 490 U.S. 225, 227 (1989) (per curiam).[1]

As explained above, Ms. Hecox has dismissed her claims with prejudice in light of her decision to permanently refrain from engaging in any women's

[1] Although the district court stayed proceedings pending this Court's decision, *see* D. Ct. ECF No. 137 (Aug. 27, 2024), that stay does not impact the effectiveness of the dismissal, *see Hamilton v. Shearson-Lehman Am. Express, Inc.*, 813 F.2d 1532, 1534-35 (9th Cir. 1987).

school-sponsored sports covered by H.B. 500. Ms. Hecox's unequivocal abandonment of her claims against petitioners renders this case moot, and since the dismissal is with prejudice, there is no possibility of "the regeneration of the controversy by a reassertion of a right to litigate." *Deakins v. Monaghan*, 484 U.S. 193, 200 (1988); *see also, e.g.*, *Pac. Bell Tel. Co. v. linkLine Commc'ns, Inc.*, 555 U.S. 438, 446 (2009). Because "the issues presented are no longer 'live'" and because no controversy between the parties exists or has a chance of recurring, this case should be dismissed as moot. *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (quoting *Murphy v. Hunt*, 455 U.S. 478, 481 (1982)). Indeed, in previous cases where plaintiffs have notified the Court that they have abandoned their claims, the Court has found those claims moot. *See, e.g.*, *Arave v. Hoffman*, 552 U.S. 117, 118 (2008) (per curiam); *Frank*, 490 U.S. at 227; *Deakins*, 484 U.S. at 200-01.

Because Ms. Hecox is abandoning her claims after prevailing in the court of appeals, this Court should vacate the underlying judgment. *See U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18, 23 (1994) ("[V]acatur must be granted where mootness results from the unilateral action of the party who prevailed in the lower court."). The Court should then remand with instructions to dismiss the case. *See, e.g.*, *Carnahan v. Maloney*, 143 S. Ct. 2653 (2023); *Arave v. Hoffman,* 552 U.S. 117, 118 (2008) (per curiam); *City*

of Cuyahoga Falls v. Buckeye Cmty. Hope Found., 538 U.S. 188, 199-200 (2003).[2]

CONCLUSION

This Court should vacate the court of appeals' judgment on mootness grounds and remand with instructions to dismiss the appeal.

Respectfully submitted,

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[2] In light of this dismissal and vacatur, petitioners have suffered no prejudice. *See United States v. Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950).

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September 2, 2025

APPENDIX

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APPENDIX A

DECLARATION OF LINDSAY HECOX

I, Lindsay Hecox, depose and say as follows:

1. I have personal knowledge of the facts herein. I am the plaintiff in this case.

2. When I filed this lawsuit in April 2020, I was a freshman at Boise State University ("BSU"). I am now 24 years old and a senior at BSU.

3. Due to personal and financial setbacks in 2022, I was unable to complete enough academic credits to graduate college in four years. I am currently enrolled in classes that may allow me to graduate as early as May 2026.

4. It is important to me to be able to graduate as soon as possible, including for both personal and financial reasons. Graduation will be a significant personal accomplishment, especially due to setbacks I have faced over the past five years. In addition, after graduating, I plan to move to be closer to my family. I am looking forward to being closer to my support systems and loved ones and look forward to securing full-time employment after graduating.

5. Living a healthy and safe life is also a priority of mine—one which, in turn, will help me graduate.

6. Thus, after deep consideration, and despite the positive role that women's team sports have played in my life, including at BSU, I have made the extremely difficult decision to cease playing women's sports in

any context covered by H.B. 500 and to dismiss my case.

7. From the beginning of this case, I have come under negative public scrutiny from certain quarters. I also have observed increased intolerance generally for people who are transgender and specifically for transgender women who participate in sports. I am afraid that if I continue my lawsuit, I will personally be subjected to harassment that will negatively impact my mental health, my safety, and my ability to graduate as soon as possible.

8. I will not bring another lawsuit against Idaho House Bill 500 after dismissing my case.

9. I have stopped playing women's club soccer at BSU. I no longer attend any team practices or competitions and will not do so.

10. I will not participate in any women's sports that are covered by H.B. 500 while I am in Idaho.

I certify under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

/s/ Lindsay Hecox
Lindsay Hecox

Executed on: September 1, 2025