IN THE SUPREME COURT OF THE UNITED STATES

No. 24-43

WEST VIRGINIA, ET AL., PETITIONERS

v.

B.P.J., BY HER NEXT FRIEND AND MOTHER, HEATHER JACKSON

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting petitioners and requests that the United States be allowed ten minutes of argument time. Petitioners consent to this motion and have agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion is granted, the argument time would be divided as follows: 20 minutes for petitioners, 10 minutes for the United States, and 30 minutes for respondent.

This case concerns whether Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., and the Equal Protection Clause of the Fourteenth Amendment permit schools to

place trans-identifying athletes on sex-separated sports teams based on their biological sex. The United States has filed a brief as amicus curiae supporting petitioners in this case.

The United States has significant interests in the questions presented in this case. The United States is responsible for enforcing Title IX, has authority to enforce the Equal Protection Clause in the public-school context, 42 U.S.C. 2000c-6, and may intervene in cases of general importance involving alleged denials of equal protection, 42 U.S.C. 2000h-2. In addition, President Trump has issued an Executive Order declaring that it is "the policy of the United States to oppose male competitive participation in women's sports * * * , as a matter of safety, fairness, dignity, and truth." Exec. Order No. 14,201, § 1, 90 Fed. Reg. 9279, 9279 (Feb. 11, 2025).

The United States has frequently presented oral argument as amicus curiae in cases involving the Equal Protection Clause or federal anti-discrimination laws, including Title IX. See, e.g., Ames v. Ohio Dep't of Youth Servs., 605 U.S. 303 (2025); Muldrow v. City of St. Louis, 601 U.S. 346 (2024); Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll., 600 U.S. 181 (2023); Cummings v. Premier Rehab Keller, P.L.L.C., 596 U.S. 212 (2022); Bostock v. Clayton Cnty., 590 U.S. 644 (2020). We therefore believe that the United States' participation in oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

OCTOBER 2025