

No. 26A_____

In The
Supreme Court of the United States

JANE DOE, individually and as next friend of C.F., a minor,
Applicant,

v.

JAMES V. McDONALD, M.D., in his official capacity as Commissioner of Health of the State
of New York; EASTCHESTER UNION FREE SCHOOL DISTRICT; and CAITLIN
MONDELLI, in her official capacity as Principal of Waverly School,
Respondents.

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States
and Circuit Justice for the United States Court of Appeals for the Second Circuit

**EMERGENCY APPLICATION FOR WRIT OF INJUNCTION PENDING APPEAL
AND FOR IMMEDIATE ADMINISTRATIVE INJUNCTION**

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TABLE OF CONTENTS

INTRODUCTION AND RELIEF REQUESTED	5
OPINIONS AND ORDERS BELOW	7
JURISDICTION	7
STATEMENT OF THE CASE.....	7
REASONS FOR GRANTING THE APPLICATION.....	9
I. This case presents the same procedural need for Supreme Court intervention recognized in <i>Agudath Israel</i>	10
II. There is a fair prospect that a majority of this Court would conclude that Applicant's Free Exercise claim warrants strict scrutiny.	12
III. <i>Mahmoud</i> and <i>Mirabelli</i> independently present a substantial question concerning a parent's right to direct a child's religious upbringing.	16
IV. Applicant and C.F. will suffer irreparable harm absent immediate relief.	17
V. The balance of equities and public interest favor a narrow, child-specific injunction.	18
VI. Immediate administrative relief is warranted while this application is considered.	20
CONCLUSION.....	20
APPENDIX.....	22

TABLE OF AUTHORITIES

Cases

<i>Agudath Israel of America v. Cuomo</i> , 979 F.3d 177 (2d Cir. 2020) (published in amended form at 980 F.3d 222)	5, 9
<i>Agudath Israel of America v. Cuomo</i> , 983 F.3d 620 (2d Cir. 2020).....	6, 11, 14, 17, 19
<i>Elrod v. Burns</i> , 427 U.S. 347 (1976)	10, 17
<i>Frazee v. Illinois Department of Employment Security</i> , 489 U.S. 829 (1989)	18
<i>Fulton v. City of Philadelphia</i> , 593 U.S. 522 (2021).....	11, 13
<i>Hollingsworth v. Perry</i> , 558 U.S. 183 (2010).....	9
<i>Jacobson v. Massachusetts</i> , 197 U.S. 11 (1905).....	15
<i>Lawrence v. Chater</i> , 516 U.S. 163 (1996) (per curiam)	13
<i>Lux v. Rodrigues</i> , 561 U.S. 1306 (2010) (Roberts, C.J., in chambers).....	10
<i>Mahmoud v. Taylor</i> , 606 U.S. 522 (2025)	6, 8, 11, 13-16
<i>Maryland v. King</i> , 567 U.S. 1301 (2012) (Roberts, C.J., in chambers).....	19
<i>Miller v. McDonald</i> , 130 F.4th 258 (2d Cir. 2025), <i>cert. granted, judgment vacated</i> , 146 S. Ct. 879 (2025).....	6, 8, 13
<i>Miller v. McDonald</i> , 180 F.4th 420 (2d Cir. 2026).....	7-9, 13-14, 16, 18
<i>Mirabelli v. Bonta</i> , 607 U.S. 492 (2026) (per curiam)	6, 11-12, 14-17
<i>Nken v. Holder</i> , 556 U.S. 418 (2009)	10
<i>Ohio Citizens for Responsible Energy, Inc. v. NRC</i> , 479 U.S. 1312 (1986) (Scalia, J., in chambers).....	10
<i>Perry v. Marteney</i> , 172 F.4th 315 (4th Cir. 2026)	19
<i>Respect Maine PAC v. McKee</i> , 562 U.S. 996 (2010)	10
<i>Roman Catholic Diocese of Brooklyn v. Cuomo</i> , 592 U.S. 14 (2020).....	5, 10-11, 16-17
<i>Tandon v. Newsom</i> , 593 U.S. 61 (2021)	11-13
<i>Thomas v. Review Board of the Indiana Employment Security Division</i> , 450 U.S. 707 (1981)....	18
<i>Turner Broadcasting System, Inc. v. FCC</i> , 507 U.S. 1301 (1993) (Rehnquist, C.J., in chambers)	10
<i>We The Patriots USA, Inc. v. Hochul</i> , 17 F.4th 266 (2d Cir. 2021), <i>cert. denied sub nom. Dr. A. v. Hochul</i> , 142 S. Ct. 2569 (2022)	15
<i>Wisconsin v. Yoder</i> , 406 U.S. 205 (1972).....	16

Statutes and Rules

28 U.S.C. § 1254(1)	7
28 U.S.C. § 1292(a)(1)	9
28 U.S.C. § 1651(a)	7
42 U.S.C. § 1983	8
N.Y. Public Health Law § 2164	5-6, 8, 12-16, 19-21
N.Y. Public Health Law § 2165(9)	15
Fed. R. App. P. 8	9
Sup. Ct. R. 22	7
10 N.Y.C.R.R. § 66-1.3	21
10 N.Y.C.R.R. § 66-1.10	6, 15, 19, 21

INTRODUCTION AND RELIEF REQUESTED

Applicant Jane Doe, individually and as next friend of her five-year-old son C.F., respectfully applies to the Circuit Justice for an emergency writ of injunction preserving C.F.'s existing kindergarten enrollment at Waverly School and preventing his exclusion for noncompliance with New York Public Health Law § 2164 while his interlocutory appeal remains pending in the United States Court of Appeals for the Second Circuit. Applicant also requests an immediate administrative injunction maintaining that protection while this application is considered.

The emergency is concrete and imminent. The Second Circuit denied Applicant's motion for an injunction pending appeal on August 11, 2026, in a one-paragraph order that identified no deficient factor and cited only *Agudath Israel of America v. Cuomo*, 979 F.3d 177, 179–80 (2d Cir. 2020) (published in amended form at 980 F.3d 222), for the injunction factors. App. A. Applicant must commit on or about August 25, 2026 to relocating her children to Florida to secure schooling for C.F. That date reflects a deferral of a few days that Applicant has been able to obtain since her earlier declaration; it cannot be extended further, and it does not change the underlying fact that, absent relief, C.F. will not be permitted to begin school in New York. App. C ¶¶ 13, 16. Her husband must remain in New York for employment. The school year begins September 2, 2026, and the District has advised that C.F. will be excluded fourteen days after the school year begins unless he receives the outstanding vaccinations. App. C ¶¶ 8–15.

This case thus arrives in materially the same procedural posture in which this Court intervened in *Roman Catholic Diocese of Brooklyn v. Cuomo* and *Agudath Israel*. There, district courts denied preliminary injunctions; a Second Circuit motions panel denied injunctions pending appeal; the underlying appeals remained pending; and the religious applicants then sought writs of injunction from this Court. The Court granted relief pending the Second Circuit appeals. *Roman*

Catholic Diocese of Brooklyn v. Cuomo, 592 U.S. 14, 15–16 (2020) (per curiam); see *Agudath Israel of Am. v. Cuomo*, 983 F.3d 620, 629–31 (2d Cir. 2020) (recounting that history).

Nor would this Court be writing on a blank slate as to § 2164 itself. On December 8, 2025, this Court granted certiorari, vacated the Second Circuit's judgment upholding § 2164 in *Miller v. McDonald*, 130 F.4th 258 (2d Cir. 2025), and remanded for further consideration in light of *Mahmoud v. Taylor*, 606 U.S. 522 (2025). On remand, the Second Circuit adhered to its prior conclusion. And in *Mirabelli v. Bonta*, 607 U.S. 492 (2026) (per curiam), this Court granted emergency relief just five months ago — before any merits decision below — to parents whose right to direct their children's religious upbringing was burdened by state school policy. The question whether § 2164's categorical denial of religious accommodation survives this Court's intervening Free Exercise decisions is therefore one this Court has already found worthy of its attention.

The requested relief is narrow. Applicant does not ask the Court on an emergency application to invalidate § 2164 statewide. She asks only that one already-enrolled child be permitted to begin and remain in kindergarten while the courts decide whether New York may categorically deny a religious accommodation while maintaining secular exemptions and individualized medical determinations. And in the event of an actual outbreak, the Commissioner retains authority under 10 N.Y.C.R.R. § 66-1.10 to order the exclusion of unvaccinated children from school; Applicant expressly consents to C.F.'s treatment as a susceptible student subject to that authority.

Without interim relief, appellate review will come too late to prevent the injury. C.F. will lose the beginning of his kindergarten year; his family will be forced to divide between New York and Florida; and continuity with the speech-and-language services he received through the

District's CPSE program will be severed. App. C ¶¶ 11–15. Those injuries cannot be repaired by a later judgment.

OPINIONS AND ORDERS BELOW

The Second Circuit's August 11, 2026 order denying Applicant's motion for a preliminary injunction pending appeal is reproduced at Appendix A. The district court's July 10, 2026 order denying a preliminary injunction and an injunction pending appeal is reproduced at Appendix B. The district court relied solely on *Miller v. McDonald*, 180 F.4th 420 (2d Cir. 2026) (“*Miller II*”), and did not reach irreparable harm, the balance of equities, or the public interest. App. B.

JURISDICTION

This Court has prospective appellate jurisdiction over the pending federal case under 28 U.S.C. § 1254(1) and authority under the All Writs Act, 28 U.S.C. § 1651(a), to issue relief necessary or appropriate in aid of that jurisdiction. This application is presented under Supreme Court Rule 22 to the Justice allotted to the Second Circuit. Applicant sought the same interim relief first in the district court and then in the Second Circuit. Both courts denied relief. App. A; App. B. The ordinary lower-court route is therefore exhausted.

Justice Sotomayor is the Circuit Justice for the Second Circuit. The application seeks temporary injunctive relief pending disposition of Second Circuit Appeal No. 26-1912 and, if necessary, the timely pursuit of further review in this Court.

STATEMENT OF THE CASE

1. Applicant is a lifelong practicing Roman Catholic whose sincerely held religious beliefs prohibit her from consenting to further vaccination of C.F. She submitted a detailed Statement of

Religious Beliefs to Waverly School on April 7, 2026. App. D; D. Ct. ECF No. 5-1. The District has never obtained or identified any finding that those beliefs are insincere. App. B; App. C ¶ 4.

2. C.F. is five years old and registered to enter kindergarten at Waverly School in the Eastchester Union Free School District for the 2026–2027 school year. He previously received speech-and-language services through the District's Committee on Preschool Special Education. App. C ¶¶ 8, 15.

3. New York Public Health Law § 2164 requires specified vaccinations for school attendance and, since 2019, contains no religious exemption. It continues to recognize medical exemptions. Applicant brought this action under 42 U.S.C. § 1983, asserting, among other claims, that application of § 2164 to C.F. violates the Free Exercise Clause and her constitutionally protected right to direct her child's religious upbringing.

4. Applicant moved for preliminary injunctive relief. App. C ¶¶ 5–6. While that motion was pending, the Second Circuit decided *Miller II* on remand from this Court's December 8, 2025 order in *Miller v. McDonald*, 146 S. Ct. 879 (2025), which granted certiorari, vacated the Second Circuit's judgment upholding § 2164, and remanded for further consideration in light of *Mahmoud*. *Miller II* again rejected Free Exercise and parental-rights challenges to § 2164 brought by Amish plaintiffs. The district court concluded that *Miller II* was controlling and therefore found insufficient likelihood of success. It expressly declined to issue a preliminary injunction on that basis alone. App. B.

5. The district court did not find that Applicant's religious beliefs were insincere. It made no finding that C.F.'s school exclusion would not constitute irreparable harm. It made no finding that allowing C.F. to attend school would injure Respondents or the public. It denied an injunction

pending appeal “for the same reasons” and stated that Applicant could seek that relief from the Second Circuit. App. B.

6. Applicant timely appealed under 28 U.S.C. § 1292(a)(1) and moved under Federal Rule of Appellate Procedure 8 for an injunction pending appeal. App. C ¶ 7; C.A. DktEntry 7.1. Her motion emphasized that *Miller II* binds a Second Circuit panel but preserves substantial questions for en banc and Supreme Court review, and that the equities independently required preservation of C.F.'s school placement.

7. On August 11, 2026, Judges Bianco, Menashi, and Kahn denied the emergency motion. The order states only that the motion is denied “[u]pon due consideration” and cites *Agudath Israel*, 979 F.3d at 179–80, for the injunction factors. App. A. The merits appeal remains pending.

8. The practical deadline is now. Applicant has represented under penalty of perjury that she must commit on or about August 25, 2026 to relocating the children to Florida to secure C.F.'s schooling, while her husband remains in New York for work. App. C ¶¶ 12–14, 16. She has deferred that commitment by a few days since her July declaration, but it can move no further — and the deferral does not alter the fact that C.F. cannot begin school in New York absent relief. App. C ¶ 16. School begins September 2, and C.F. faces exclusion fourteen days later. App. C ¶¶ 9–10. The application therefore requires immediate consideration.

REASONS FOR GRANTING THE APPLICATION

An applicant for a stay pending certiorari must show a reasonable probability that four Justices will find the question sufficiently meritorious, a fair prospect that a majority of the Court will vote to reverse, and a likelihood of irreparable harm absent relief; in close cases the Circuit Justice balances the equities and weighs the relative harms. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). A writ of injunction demands more. Because such relief does not merely suspend a

lower court's alteration of the status quo but grants intervention that the courts below withheld, it requires a significantly higher justification than a stay. *Respect Maine PAC v. McKee*, 562 U.S. 996, 996 (2010). A single Justice will grant such relief only where the applicant's legal rights are indisputably clear and the circumstances are critical and exigent. *Ohio Citizens for Responsible Energy, Inc. v. NRC*, 479 U.S. 1312, 1313 (1986) (Scalia, J., in chambers); *Turner Broadcasting System, Inc. v. FCC*, 507 U.S. 1301, 1303 (1993) (Rehnquist, C.J., in chambers); see *Lux v. Rodrigues*, 561 U.S. 1306, 1307 (2010) (Roberts, C.J., in chambers). Applicant meets that higher standard. This Court applied it in *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14 (2020) (per curiam), and issued writs of injunction to religious applicants in precisely this posture. In a First Amendment case, irreparable injury follows from the threatened constitutional deprivation, see *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion), and the assessment of harm to the opposing party and of the public interest merge when the Government is the opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

The rationale for that heightened standard — that a writ of injunction grants intervention the courts below withheld — has diminished force on this record, because no court below exercised equitable judgment to withhold. The district court resolved a single legal question, expressly declined to reach irreparable harm, the balance of equities, or the public interest, and directed Applicant to seek this relief from the Second Circuit. App. B. The Second Circuit then denied relief in a one-paragraph order that identified no deficient factor. App. A. On three of the four governing factors there is no exercise of discretion to respect and no considered denial to disturb. Applicant nevertheless meets the higher standard on the showing set out below.

I. THIS CASE PRESENTS THE SAME PROCEDURAL NEED FOR SUPREME COURT INTERVENTION RECOGNIZED IN *AGUDATH ISRAEL*.

The Second Circuit's citation to *Agudath Israel* is especially significant because the procedural history of that litigation demonstrates why Supreme Court intervention may be necessary before a merits appeal is complete. In 2020, religious plaintiffs challenged New York restrictions under the Free Exercise Clause. The district courts denied preliminary injunctions. The plaintiffs appealed and moved for emergency injunctions pending appeal. A divided Second Circuit panel denied those motions. *Agudath Israel*, 983 F.3d at 629–30.

The plaintiffs then applied to this Court for writs of injunction while their Second Circuit appeals were still pending. This Court granted the applications and enjoined enforcement of the challenged restrictions pending disposition of the appeals and any timely petition for certiorari. *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 15–16 (2020) (per curiam) (single opinion resolving both the Diocese's application, No. 20A87, and Agudath Israel's, No. 20A90). The Court held that the applicants had clearly established entitlement to relief pending appellate review because they made a strong showing on neutrality, demonstrated irreparable harm, and the State had not shown that narrower relief would harm the public. *Id.* at 16–19.

The Second Circuit thereafter recognized that this Court's intervention controlled the analysis, reversed the denials of preliminary relief as to the fixed limits, and directed entry of injunctions. *Agudath Israel*, 983 F.3d at 637. *Agudath Israel* thus refutes any suggestion that a denial by a Second Circuit motions panel ends the inquiry. It is precedent for the precise procedural sequence presented here: lower-court denial, Second Circuit denial of interim relief, pending appellate review, and an application to this Court to prevent irreversible First Amendment injury before the appeal can be decided. Applicant invokes *Agudath Israel* for that procedural proposition; the substantive Free Exercise showing in this case rests on *Tandon*, *Fulton*, *Mahmoud*, and *Mirabelli*, addressed in Points II and III below.

This Court has continued to intervene in this posture. In *Mirabelli v. Bonta*, 607 U.S. 492 (2026) (per curiam), decided March 2, 2026 on an application to vacate an interlocutory stay order, the Court granted emergency relief to parents asserting the right to direct their children’s religious upbringing, holding them likely to succeed on their Free Exercise claim. No. 25A810. The Court did so before any merits appeal was decided, and precisely because interim denial would have rendered the right unenforceable in the interval.

The need is even more acute here because the relevant harm is tied to an academic calendar. Once C.F. misses the beginning of kindergarten, once his family relocates, and once the household is divided, a later appellate victory cannot restore the lost weeks or undo the forced move.

II. THERE IS A FAIR PROSPECT THAT A MAJORITY OF THIS COURT WOULD CONCLUDE THAT APPLICANT'S FREE EXERCISE CLAIM WARRANTS STRICT SCRUTINY.

A. The Free Exercise Clause forbids government from treating religious conduct less favorably than comparable secular conduct. Under *Tandon v. Newsom*, government regulations are not generally applicable whenever they treat any comparable secular activity more favorably than religious exercise. 593 U.S. 61, 62 (2021). Comparability is judged against the asserted governmental interest, and a regulation is not generally applicable merely because it contains no religious classification on its face.

Section 2164 categorically denies religious accommodation while preserving secular routes by which an unvaccinated child may attend school. Most prominently, the statute preserves a medical exemption. Applicant's position is not that medically vulnerable children should be excluded; it is that New York's willingness to accommodate secular reasons for nonvaccination while refusing any accommodation for sincere religious exercise requires the State to justify that

categorical distinction under the Free Exercise framework this Court developed in *Fulton* and *Tandon*.

B. The statutory and regulatory medical-exemption process also requires individualized determinations. School officials may demand additional information and determine whether a physician's certification satisfies governing requirements. Applicant has preserved the argument that this individualized exemption mechanism brings the case within *Fulton v. City of Philadelphia*, 593 U.S. 522, 533–37 (2021), because government may not retain a system for individualized secular exceptions while categorically refusing to consider religious hardship.

C. *Miller II* reached a contrary conclusion, and Applicant recognizes that it bound the district court and the Second Circuit motions panel. But the history of the *Miller* litigation itself demonstrates why there is far more than a fair prospect that this Court would take up the question. The Second Circuit first upheld § 2164 against materially identical Free Exercise and parental-rights challenges in *Miller v. McDonald*, 130 F.4th 258 (2d Cir. 2025). On December 8, 2025, this Court granted certiorari, vacated that judgment, and remanded for further consideration in light of *Mahmoud v. Taylor*, 606 U.S. 522 (2025). *Miller v. McDonald*, 146 S. Ct. 879 (2025). Such an order issues where intervening developments reveal a reasonable probability that the decision below rests on a premise the lower court would reject if given the opportunity for further consideration. See *Lawrence v. Chater*, 516 U.S. 163, 167 (1996) (per curiam). This Court has therefore already determined — in a case challenging this very statute — that *Mahmoud* bears on § 2164's constitutionality with sufficient force to require the Second Circuit to reconsider its judgment sustaining the law.

On remand, the Second Circuit adhered to its prior conclusion. *Miller II*, 180 F.4th at 431–33. The question is not whether a Second Circuit panel may disregard *Miller II*; it may not. The

question is whether there is a fair prospect that this Court — having already vacated the Second Circuit's first judgment in light of *Mahmoud* — would conclude that *Miller II*'s treatment of neutrality, general applicability, and the parental Free Exercise right remains difficult to reconcile with the Court's intervening Free Exercise cases. The vacatur order thus reflects this Court's determination that *Mahmoud* warranted reconsideration of the judgment sustaining this very statute. The Second Circuit's adherence on remand to substantially the same result now squarely presents whether that result can be reconciled with *Mahmoud* and this Court's modern Free Exercise jurisprudence — and it sharpens, rather than diminishes, the need for this Court's eventual resolution.

D. *Agudath Israel* supplies a close New York analogue for the strict-scrutiny consequences. There, the Second Circuit ultimately held that when a public-health rule imposes a heavier burden on religious exercise than on favored secular conduct, strict scrutiny applies. 983 F.3d at 631–33. Narrow tailoring requires the State to demonstrate that less restrictive alternatives would fail, not merely that the categorical rule is easier to administer. *Id.* at 633–35.

E. *Mirabelli* confirms that this Court's post-*Mahmoud* framework is not confined to curricular exposure. There, the Court held that parents seeking religious accommodation were likely to succeed because the challenged policies substantially interfered with the right of parents to guide the religious development of their children, and described that intrusion as greater than the burden already found sufficient to trigger strict scrutiny in *Mahmoud*. 607 U.S. at 498. *Miller II* distinguished *Mirabelli* as a case about official concealment from parents. 180 F.4th at 433. Whether that distinction can be sustained — when § 2164 conditions access to every school in the State on the surrender of the same parental religious direction — is itself the substantial question preserved for this Court.

Here, the requested interim accommodation itself demonstrates a less restrictive means, and the State's own scheme supplies the proof. New York accommodates sincere religious objections to immunization for postsecondary students. N.Y. Pub. Health Law § 2165(9). The School Respondents acknowledged below that approximately 0.3% of New York kindergartners attended school under medical exemptions in 2025, and that unvaccinated adults are permitted in school settings. C.A. DktEntry 19.1 at 19–20. The statewide system thus already accommodates a limited number of unvaccinated persons and retains outbreak-exclusion authority over them. 10 N.Y.C.R.R. § 66-1.10. C.F. may attend school subject to the same generally applicable health measures as other students, and Applicant seeks no exemption from outbreak rules. Neither Respondent has identified any individualized finding that this five-year-old child poses a present danger requiring categorical exclusion from kindergarten while the appeal proceeds.

F. The State answered below by invoking the Second Circuit's earlier vaccination decisions, *We The Patriots USA, Inc. v. Hochul*, 17 F.4th 266 (2d Cir. 2021) (per curiam), *cert. denied sub nom. Dr. A. v. Hochul*, 142 S. Ct. 2569 (2022), and *Jacobson v. Massachusetts*, 197 U.S. 11 (1905). C.A. DktEntry 20.1. Neither can carry that weight here. *Hochul* was decided under the pre-*Mahmoud* framework — four years before *Mahmoud*, five before *Mirabelli*, and before this Court's December 8, 2025 order directing the Second Circuit to reconsider its precedent sustaining § 2164 — and it addressed an employment condition for healthcare workers, not the exclusion of a child from every school in the State and the parental right to direct his religious upbringing. And *Jacobson*, which sustained a five-dollar fine under what became rational-basis review, involved an avoidable and modest imposition on a claimed due-process right; it did not address a scheme that accommodates secular objectors while categorically refusing religious

accommodation, and it supplies no license to suspend ordinary Free Exercise analysis. *See Roman Catholic Diocese*, 592 U.S. at 24–25 (Gorsuch, J., concurring).

III. MAHMOUD AND MIRABELLI INDEPENDENTLY PRESENT A SUBSTANTIAL QUESTION CONCERNING A PARENT'S RIGHT TO DIRECT A CHILD'S RELIGIOUS UPBRINGING.

Miller II concluded that any burden imposed by § 2164 is not “of the same character” as the burden recognized in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and relied on by *Mahmoud*. 180 F.4th at 432–33. Applicant has preserved her disagreement with that characterization. This case presents the issue in unusually concrete form. Applicant is not objecting to incidental classroom exposure or asking to redesign curriculum. She faces a binary state-imposed choice: violate her religious conscience by vaccinating her five-year-old child, or lose access to every public, private, and parochial school in New York that is subject to § 2164.

The result is direct interference with the family's religious decisionmaking and the child's education. Applicant has shown that the practical consequence is not merely inconvenience. She must remove her children from New York to secure schooling, separate them from their father during the workweek or longer, and interrupt District-provided developmental services. App. C ¶¶ 12–15.

Whether *Mahmoud* and *Mirabelli* permit a State to impose that burden while refusing any religious accommodation is an important federal question that warrants preservation for appellate and, if necessary, certiorari review — particularly where this Court has already once vacated a judgment sustaining § 2164 in light of *Mahmoud*. Interim relief is appropriate so that the answer comes from judicial review rather than the irreversible passage of the school calendar.

IV. APPLICANT AND C.F. WILL SUFFER IRREPARABLE HARM ABSENT IMMEDIATE RELIEF.

The irreparable injury is independently compelling. First, the threatened loss of First Amendment freedoms itself constitutes irreparable injury. *Roman Catholic Diocese*, 592 U.S. at 19; *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion). *Agudath Israel* likewise held that religious adherents need not establish a separate irreparable injury once a Free Exercise violation is shown and that the loss of First Amendment rights makes likelihood of success the dominant factor. 983 F.3d at 636–37. This Court has since applied that principle to the interval of appellate review itself, stating in *Mirabelli* that the denial of constitutional rights during the potentially protracted appellate process constitutes irreparable harm. 607 U.S. at 498. That is exactly the interval at issue here.

Second, C.F. faces educational and developmental injury that no later monetary award can repair. He is entering kindergarten, has already received speech-and-language services through the District's CPSE program, and is at the transition point from preschool services into a structured school environment. App. C ¶¶ 8, 11, 15. Missing the beginning of kindergarten means losing the first weeks in which classroom routines, peer relationships, and teacher expectations are established.

Third, Applicant faces imminent forced relocation. Her sworn declaration states that, because New York provides no school-attendance route for a religiously objecting unvaccinated child, she must commit by approximately August 25 to moving the children to Florida. Her husband must remain in New York for employment. App. C ¶¶ 12–14, 16. That involuntary division of an intact family is not compensable after the fact.

Fourth, the timing makes ordinary appellate review inadequate. The Second Circuit appeal cannot realistically be briefed, argued, and decided before the family must act. Indeed, the Second

Circuit's August 11 denial came exactly two weeks before Applicant's relocation deadline. App. A; App. C ¶ 16. A merits decision months later cannot reconstruct the beginning of a five-year-old's kindergarten year.

Respondents' answer below was to recast these injuries as self-inflicted — a “choice to voluntarily relocate” flowing from Applicant's unwillingness to comply. C.A. DktEntry 20.1 at 15; DktEntry 19.1 at 18. That framing proves too much. Every burden imposed on a religious objector could be characterized as voluntary on the theory that the objector could avoid it by complying with the challenged law. Requiring a parent to choose between violating her sincere religious convictions and losing her child's access to every public, private, and parochial school in the State does not make the resulting injury voluntary; that coerced choice is the constitutional injury. And the deadline is not of Applicant's making: by August 25 she must arrange housing and out-of-state enrollment for a school year that begins September 2. App. C ¶¶ 12–13, 16.

Nor can interim relief be withheld on the School Respondents' sincerity attack — a contention the State did not join below. No court has made any finding that Applicant's beliefs are insincere; there has been no evidentiary hearing, credibility determination, or merits discovery, and the district court denied relief solely under *Miller II*. App. B. Sincerity is a fact-bound question, and religious protection does not depend on conformity with denominational teaching or the approval of a church hierarchy. *Thomas v. Review Board of the Indiana Employment Security Division*, 450 U.S. 707, 715–16 (1981); *Frazee v. Illinois Department of Employment Security*, 489 U.S. 829, 834 (1989). A disputed, fact-bound question that no court below resolved is no basis for denying relief that merely preserves the status quo.

V. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR A NARROW, CHILD-SPECIFIC INJUNCTION.

The requested order imposes a limited burden on Respondents. It would apply to one child while the appeal is pending. C.F. is already registered for Waverly School. App. C ¶ 8. Applicant does not seek to prevent the State or District from enforcing ordinary, generally applicable outbreak measures. If an actual outbreak occurs, 10 N.Y.C.R.R. § 66-1.10 remains available, and Applicant expressly consents to C.F.'s exclusion under that authority on the same terms as a child attending under a medical exemption.

By contrast, denial forces immediate and irreversible consequences on Applicant's family. The equities therefore favor maintaining C.F.'s school placement until courts can decide the constitutional question in the ordinary course.

The public interest points in the same direction. *Agudath Israel* held that no public interest is served by maintaining an unconstitutional policy when constitutional alternatives are available, and it rejected generalized public-health concerns where the government had not shown that narrower measures would imperil the public. 983 F.3d at 637. The same principle supports temporary, individualized relief here, particularly because the requested order expressly preserves outbreak authority.

Respondents' contrary authorities do not supply the missing particularized harm. *Perry v. Marteney*, 172 F.4th 315 (4th Cir. 2026), on which the State relied below, decided only likelihood of success on the merits, *id.* at 320; it made no finding that temporarily preserving one already-enrolled child's placement pending appellate review causes any concrete public-health or administrative harm. Nor does the maxim that a State suffers irreparable injury when enjoined from effectuating its statutes, *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers), tip the balance: the requested order does not enjoin § 2164's operation as to anyone but C.F., and the statute remains fully effective statewide. And the Commissioner represented below

that he has no role in the enrollment, admission, attendance, or participation of C.F., and that the State enforces § 2164 against schools and school districts rather than against individual students or their families. S.D.N.Y. ECF No. 28 at 1 nn.1–2. The incremental burden of the requested order on these Respondents is de minimis.

The order would not adjudicate the rights of other students, invalidate § 2164, or prevent New York from defending the statute on appeal. It would simply ensure that appellate review remains meaningful for this child and family.

VI. IMMEDIATE ADMINISTRATIVE RELIEF IS WARRANTED WHILE THIS APPLICATION IS CONSIDERED.

Applicant respectfully requests an immediate administrative injunction preventing Respondents from taking any action that would cancel C.F.'s enrollment, bar his attendance, or require Applicant to relinquish his Waverly School placement while this application is considered. The requested administrative relief may be dissolved automatically upon disposition of the application.

The need is exceptional because the operative family deadline is August 25, 2026. App. C ¶¶ 13, 16. Applicant has deferred that commitment as far as circumstances permit; it cannot be deferred again. Respondents will suffer no cognizable prejudice from maintaining the existing enrollment for the short period necessary for a response and decision. Without administrative protection, however, the very injury presented in this application may occur before the Court has an opportunity to rule.

CONCLUSION

Applicant respectfully requests that the Circuit Justice, or the Court upon referral, (1) immediately enter an administrative injunction preserving C.F.'s enrollment and ability to attend

Waverly School while this application is considered; and (2) issue a writ of injunction pending disposition of Second Circuit Appeal No. 26-1912, and any timely petition for rehearing or petition for a writ of certiorari, enjoining Respondents from excluding C.F. from Waverly School solely because Applicant has not complied with the vaccination requirements of N.Y. Public Health Law § 2164, while leaving intact generally applicable outbreak-exclusion authority. Applicant consents to the writ issuing on the express condition that C.F. be treated as a susceptible student subject to exclusion under 10 N.Y.C.R.R. § 66-1.10 in the event of an outbreak, on the same terms as a student attending pursuant to a medical exemption under 10 N.Y.C.R.R. § 66-1.3(c).

In the alternative, Applicant requests such narrower interim relief as the Circuit Justice or Court deems appropriate to preserve C.F.'s kindergarten placement and prevent irreparable injury while appellate review proceeds.

Respectfully submitted,

/s/ Patricia Finn
PATRICIA FINN, ESQ.
Counsel of Record
Patricia Finn Attorney, P.C.
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Pearl River, New York 10965
(845) 398-0521
patriciafinnattorney@gmail.com
Counsel for Applicant

August 18, 2026

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2026, I caused a true and correct copy of the foregoing Emergency Application for Writ of Injunction Pending Appeal, together with Appendices A through D, to be submitted through the Supreme Court's electronic filing system and served on counsel of record for all Respondents by electronic mail, all counsel having consented in writing to service by electronic means. See Sup. Ct. R. 29.3. Paper filing will be completed in accordance with Supreme Court Rules 22 and 33.2.

Counsel served include Barbara D. Underwood, Solicitor General, Judith N. Vale, Deputy Solicitor General, and Mark S. Grube, Senior Assistant Solicitor General, Office of the New York State Attorney General, together with Roderick Arz, Esq. and Seth J. Farber, Esq., Office of the New York State Attorney General, counsel for Respondent James V. McDonald, M.D.; and Adam I. Kleinberg, Esq., Guercio & Guercio, LLP, counsel for Respondents Eastchester Union Free School District and Caitlin Mondelli.

/s/ Patricia Finn

Patricia Finn, Esq.

APPENDIX

Appendix A — Second Circuit Order Denying Preliminary Injunction Pending Appeal, August 11, 2026

Appendix B — District Court Order Denying Preliminary Injunction and Injunction Pending Appeal, July 10, 2026

Appendix C — Declaration of Jane Doe in Support of Emergency Application for Writ of Injunction Pending Appeal, dated August 18, 2026

Appendix D — Cover Letter and Statement of Religious Beliefs of Jane Doe, dated April 7, 2026 (D. Ct. ECF No. 5-1; internal exhibit separator sheet omitted)

APPENDIX A

SECOND CIRCUIT ORDER DENYING INJUNCTION PENDING APPEAL

Doe v. McDonald, No. 26-1912 (2d Cir. Aug. 11, 2026) (DktEntry 30.1)

[A certified copy of the order, as issued by the Clerk of Court on August 11, 2026, follows this page.]

Description: A one-page order of a three-judge motions panel of the United States Court of Appeals for the Second Circuit (Bianco, Menashi, and Kahn, *JJ.*), entered August 11, 2026, denying Applicant's motion for a preliminary injunction pending appeal upon due consideration, citing *Agudath Israel of America v. Cuomo*, 979 F.3d 177, 179–80 (2d Cir. 2020), for the injunction factors. The certified copy was issued by the Clerk of Court on August 11, 2026.

S.D.N.Y. – W.P.
26-cv-4176
Karas, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of August, two thousand twenty-six.

Present:

Joseph F. Bianco,.
Steven J. Menashi,.
Maria Araújo Kahn,.
Circuit Judges.

Jane Doe, as next friend of C.F., a minor,

Plaintiff-Appellant,

v.

26-1912

James V. McDonald, M.D., in his official capacity as
Commissioner of Health of the State of New York, Eastchester
Union Free School District, Caitlin Mondelli, in her official
capacity as Principal of Waverly School,

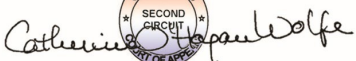
Defendants-Appellees.

Appellant moves for a preliminary injunction pending appeal. Upon due consideration, it is hereby ORDERED that the motion is DENIED. *See Agudath Isr. of Am. v. Cuomo*, 979 F.3d 177, 179–80 (2d Cir. 2020) (discussing injunction factors).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court




APPENDIX B

DISTRICT COURT ORDER DENYING PRELIMINARY INJUNCTION AND INJUNCTION PENDING APPEAL

Doe v. McDonald, No. 7:26-cv-04176 (KMK) (S.D.N.Y. July 10, 2026) (ECF No. 33)

[A true copy of the order, as filed on the district court docket and transmitted in the record on appeal, follows this page.]

Description: A three-page order of the United States District Court for the Southern District of New York (Karas, *J.*), entered July 10, 2026, denying Applicant's motion for a preliminary injunction solely for lack of likelihood of success on the merits in light of *Miller v. McDonald*, 2026 WL 1871521 (2d Cir. June 30, 2026), denying an injunction pending appeal for the same reasons, and noting that Applicant could seek an injunction pending appeal from the Second Circuit. The court reached no other preliminary-injunction factor.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE, *as next friend of C.F., a minor*,

Plaintiff,

v.

JAMES V. MCDONALD, *et al.*,

Defendants.

No. 26-CV-4176 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

Jane Doe (“Plaintiff”), on behalf of her minor child, C.F., brought this Action against James McDonald (the Commissioner of Health of the State of New York), the Eastchester Union Free School District, and Caitlin Mondelli (the principal of Waverly School) (together, “Defendants”), claiming New York’s school immunization requirements are unconstitutional as applied to C.F. Before the Court is Plaintiff’s request for a preliminary injunction barring Defendants from enforcing those requirements against C.F. or denying C.F.’s enrollment at school for noncompliance. Because the Second Circuit’s recent decision in *Miller v. McDonald* leaves Plaintiff without the requisite likelihood of success on the merits, the Court does not issue a preliminary injunction. --- F.4th ---, 2026 WL 1871521 (2d Cir. June 30, 2026) (“*Miller IP*”).

“A plaintiff seeking a preliminary injunction must establish that [s]he is likely to succeed on the merits, that [s]he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in h[er] favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *see also Benihana, Inc. v. Benihana of Tokyo*, 784 F.3d 887, 895 (2d Cir. 2015) (same). If there is no likelihood of success on the

merits, a preliminary injunction cannot issue. *See A.H. by and through Hester v. French*, 985 F.3d 165, 176 (2d Cir. 2021) (explaining “likelihood of success on the merits is . . . the dominant, if not the dispositive, factor” (quotation marks omitted)); *Sosa v. Lantz*, 660 F. Supp. 2d 283, 291 (D. Conn. 2009) (“Because Plaintiff has shown no likelihood of success on the merits, . . . his motion for a preliminary injunction will be denied.” (quotation marks omitted)).

Plaintiff challenges New York Public Health Law § 2164—the immunization requirement at issue—arguing it violates the Free Exercise Clause, the substantive due process right of parents to direct their children’s religious upbringing recognized in *Mahmoud v. Taylor*, 606 U.S. 522 (2025), and the Equal Protection Clause. (*See* Pl.’s Mem. 7–22 (Dkt. No. 23).) *Miller II*, decided while Plaintiff’s preliminary injunction request was pending, rejected a substantively identical challenge to the same law by Amish families. The Second Circuit held (1) that § 2164 was a neutral law of general applicability, noting the Circuit “repeatedly upheld neutral and generally applicable immunization laws in the face of free exercise challenges” under *Employment Division v. Smith*, 494 U.S. 872 (1990); and (2) that § 2164 did not violate the parental free-exercise right recognized in *Mahmoud* because if it imposed any burden on that right at all, it was not “of the same character” as the burden in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), a case on which *Mahmoud* relied. *Miller II*, 2026 WL 1871521, at *4, *9. Plaintiff concedes *Miller II* is “controlling Second Circuit authority.”¹ (Reply 1 (Dkt. No. 31).) Accordingly, “in light of recent precedent within this Circuit, plaintiff has virtually no chance of success on the merits” on her Free Exercise or *Mahmoud* claims. *Fielding v. Index Futures Grp., Inc.*, 699 F. Supp. 416, 418 (S.D.N.Y. 1988); *see also Frey v. Bruen*, No. 21-CV-5334, 2022 WL

¹ As Plaintiff notes in her Reply, however, her disagreements with *Miller II* are preserved for further appellate review. (*See* Reply 1, 3–4.)

522478, at *9 (S.D.N.Y. Feb. 22, 2022) (“Therefore, based on established Supreme Court and Second Circuit precedent, Plaintiffs do not have a high likelihood of success on the merits.”).

Plaintiff also brings an Equal Protection Clause claim, contending § 2164 treats secular and religious children differently. While *Miller II* did not address the Equal Protection Clause, its holdings largely resolve this claim, too, and Plaintiff does not defend it in her Reply. “§ 2164 is neutral on its face.” *Miller II*, 2026 WL 1871521, at *4. “Plaintiffs challenging such facially neutral laws on equal protection grounds bear the burden of making out a ‘prima facie case of discriminatory purpose,’” *Jana-Rock Constr., Inc. v. New York State Dep’t of Econ. Dev.*, 438 F.3d 195, 205 (2d Cir. 2006), or showing the law is “applied in a discriminatory fashion,” *Hayden v. Cnty. of Nassau*, 180 F.3d 42, 48 (2d Cir. 1999). *Miller II* rejected the argument that § 2164 had any discriminatory purpose, *see Miller II*, 2026 WL 1871521, at *5, and Plaintiff has not argued the law is applied in a different way to religious or nonreligious children, (*see generally* Pl.’s Mem.). So that claim, too, is unlikely to succeed on the merits.

Because there is insufficient likelihood of success on the merits in light of *Miller II*, the Court denies Plaintiff’s request for a preliminary injunction. For the same reasons, the Court denies Plaintiff’s request for an injunction pending appeal or prior to Plaintiff filing her appeal, but notes Plaintiff may request an injunction pending appeal from the Second Circuit. *See Ramos v. Aviles-Ramos*, No. 24-CV-5109, 2025 WL 2986508, at *1 (S.D.N.Y. Oct. 23, 2025).
SO ORDERED.

Dated: July 10, 2026
White Plains, New York



KENNETH M. KARAS
United States District Judge

APPENDIX C

DECLARATION OF JANE DOE IN SUPPORT OF EMERGENCY APPLICATION FOR WRIT OF INJUNCTION PENDING APPEAL

Executed August 18, 2026

Description: The declaration of Applicant Jane Doe, executed under penalty of perjury on August 18, 2026, setting forth the procedural history of this action, C.F.'s registration for kindergarten at Waverly School for the 2026–2027 school year, the District's advisement that C.F. will not be permitted to attend without the mandated immunization records, the August 25, 2026 relocation commitment deadline (deferred from August 20, 2026, and not capable of further deferral), and the irreparable harms to C.F. and the family absent relief. (¶¶ 1–16.)

[The declaration follows this page.]

No. 26A_____

In The
Supreme Court of the United States

JANE DOE, individually and as next friend of C.F., a minor,

Applicant,

v.

JAMES V. McDONALD, M.D., in his official capacity as Commissioner of Health of the State
of New York; EASTCHESTER UNION FREE SCHOOL DISTRICT; and CAITLIN
MONDELLI, in her official capacity as Principal of Waverly School,

Respondents.

**DECLARATION OF JANE DOE IN SUPPORT OF EMERGENCY APPLICATION FOR
WRIT OF INJUNCTION PENDING APPEAL AND FOR IMMEDIATE
ADMINISTRATIVE INJUNCTION**

I, Jane Doe, declare as follows:

1. I am the Plaintiff-Appellant in this action, individually and as next friend of my minor child, C.F.

2. I submit this declaration in support of an emergency application to the Supreme Court of the United States for a writ of injunction pending appeal, and for an immediate administrative injunction, to prevent the immediate exclusion of C.F. from school.

3. On May 19, 2026, I commenced this action by filing a complaint in the U.S. District Court for the Southern District of New York.

4. On June 22, 2026, I filed a First Amended Complaint as the operative pleading in the district court to protect C.F.'s right to attend kindergarten at Waverly School without violating our family's sincerely held religious beliefs regarding mandatory school vaccinations. I cannot consent to further vaccination of C.F. without violating my sincerely held religious beliefs.

5. Simultaneously with the First Amended Complaint on June 22, 2026, I applied for emergency preliminary injunctive relief by proposed order to show cause.

6. On July 10, 2026, the District Court (Karas, J.) entered an order denying my request for a preliminary injunction based on that application, and denying an injunction pending appeal.

7. On July 15, 2026, I timely filed a Notice of Interlocutory Appeal from that interlocutory order.

8. C.F. is currently registered to enter kindergarten at Waverly School for the upcoming 2026–2027 school year.

9. School administrators have informed me that C.F. will not be permitted to attend, or participate in classes or school programs unless I submit state-mandated immunization records.

10. Because of the district court's denial of injunctive relief, C.F. faces certain, immediate exclusion from school and all associated educational programs at the start of the 2026–2027 school term.

11. Absent an emergency injunction pending the resolution of the appeal, C.F. will be entirely deprived of a classroom education, peer socialization, and critical early childhood development opportunities.

12. Because New York State law forecloses C.F.'s in-person attendance at any public, private, or parochial school in the State without vaccination or a medical exemption, I am faced with the imminent necessity of relocating our children out of New York.

13. To secure an education for C.F., I must commit to relocating our family to Florida on or about August 25, 2026.

14. This relocation will force an involuntary fracture of our intact family, as my husband must remain in New York to maintain his employment and financially support our household.

15. Furthermore, this forced move will abruptly sever the critical speech-and-language services that C.F. receives through the School District's Committee on Preschool Special Education (CPSE) program at a vital juncture in his early childhood development.

16. Since I executed my prior declaration on July 17, 2026, the United States Court of Appeals for the Second Circuit denied my motion for an injunction pending appeal on August 11, 2026, and my appeal remains pending. I have been able to defer the relocation commitment described in paragraph 13 by a few days, from on or about August 20, 2026 to on or about August 25, 2026, but it cannot be deferred further. That brief deferral changes nothing else: unless relief is granted, C.F. will not be permitted to begin or attend school in New York.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 18th day of August, 2026, in Westchester County, New York.

/s/ Jane Doe

JANE DOE

APPENDIX D

COVER LETTER AND STATEMENT OF RELIGIOUS BELIEFS OF JANE DOE

Dated April 7, 2026, and submitted to Waverly School

(Reproduced as filed, D. Ct. ECF No. 5-1, May 19, 2026; the ECF exhibit separator sheet preceding the document is omitted)

[The document, as filed on the district court docket, follows this page.]

Description: The cover letter of counsel and the Statement of Religious Beliefs of Jane Doe, each dated April 7, 2026, submitted to Waverly School requesting a religious exemption from the vaccination requirements of N.Y. Public Health Law § 2164, reproduced as filed on the district court docket on May 19, 2026 (ECF No. 5-1), with personal identifying information redacted as filed. The ECF exhibit separator sheet preceding the document is omitted.

PATRICIA FINN ATTORNEY, P.C.

*275 North Middletown Rd Suite 1E
Pearl River, New York 10965*

*845 398 0521 ph.
888 874 5703 fax
patriciafinnattorney@gmail.com*

April 7, 2026

SENT BY FACSIMILE (914) 787-2344 AND U.S. MAIL

PERSONAL AND CONFIDENTIAL

Caitlin Mondelli, Principal
Waverly School
Eastchester Union Free School District
580 White Plains Road
Eastchester, New York 10709

**Re: Request for Religious Exemption from Vaccination Mandate — [REDACTED],
Incoming Kindergarten Student, Waverly School**

Dear Principal Mondelli:

This office represents [REDACTED], on behalf of her [REDACTED], who is enrolled for kindergarten at Waverly School for the 2026–2027 school year. We write to submit a formal request for a religious exemption from the vaccination requirements of Public Health Law § 2164, accompanied by Mrs. [REDACTED]'s Statement of Religious Beliefs.

We are aware that Public Health Law § 2164 does not currently provide a religious exemption. The Legislature repealed that exemption in June 2019. We do not ask the District to act contrary to the statute as it is written, and we understand that Waverly School and the Eastchester Union Free School District are bound by that law as it currently stands.

We are writing because the statute is unconstitutional on its face, and because we intend to challenge it in federal court. The Supreme Court's decisions in *Mahmoud v. Taylor*, 606 U.S. 522 (2025), and *Mirabelli v. Bonta*, 607 U.S. ____ (2026) (per curiam), decided March 2, 2026, have fundamentally altered the constitutional landscape. *Mahmoud* held that school policies which substantially interfere with parents' right to direct the religious upbringing of their children trigger

strict scrutiny under the Free Exercise Clause. *Mirabelli* applied and extended that holding, confirming that the denial of these constitutional rights during litigation constitutes irreparable harm as a matter of law. The Supreme Court has also vacated and remanded the Second Circuit's prior decision upholding New York's mandate, *Miller v. McDonald*, with instructions to apply *Mahmoud*'s strict-scrutiny framework. New York's mandate cannot survive that scrutiny.

Notwithstanding the absence of a statutory exemption, we submit this formal request and Mrs. [REDACTED]'s Statement of Religious Beliefs in order to create to give the District and its administration the opportunity to respond. Mrs. [REDACTED]'s sincere Catholic religious beliefs — described in detail in the attached Statement, written in her own words — require her to refuse vaccination for herself and for [REDACTED]. Those beliefs are longstanding, consistently applied, and grounded in Scripture. They are not casual, not recently adopted, and not shared with her by any organization or movement.

The applicable legal standard is sincerity, not membership in an organized religion and not approval by the Church hierarchy. The Free Exercise Clause protects sincerely held individual religious convictions. *Frazee v. Illinois Dep't of Emp't Sec.*, 489 U.S. 829, 833–34 (1989). Religious beliefs need not be acceptable, logical, consistent, or comprehensible to others to merit First Amendment protection — they must merely be sincerely held. *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 531 (1993). Mrs. [REDACTED]'s beliefs meet that standard. The attached Statement demonstrates it.

We ask that the District provide a written response to this request. We understand that under the current statute you will likely be required to deny it, and we ask that any denial state that basis clearly and in writing. We ask that [REDACTED]'s kindergarten enrollment remain abeyance pending the outcome of the exemption request. Mrs. [REDACTED] also requests that her Statement of Religious Beliefs be treated as confidential and reviewed only by persons with authority over this matter. The beliefs she describes are deeply personal and sacred to her.

We are available to discuss this matter at your convenience and welcome any opportunity to address questions or concerns. Please direct any response to this office at the address and contact information above. Thank you.

Very Truly Yours,

/s/Patricia Finn, Esq.

Patricia Finn Attorney, P.C.

275 N Middletown Rd Suite 1E

Pearl River, New York 10965

(845) 398-0521 phone

(888) 874-5703 fax

patriciafinnattorney@gmail.com

Enclosure: Statement of Religious Beliefs of [REDACTED]

cc: Dr. Alison Villanueva, Superintendent, Eastchester Union Free School District
Fotini Hilaras, District Registrar, Eastchester Union Free School District



Statement of Religious Beliefs

I respectfully ask that this Statement be treated as confidential and be read only by the individual with authority to consider my request. The religious beliefs I describe here are based on Catholic teachings and are deeply personal and sacred to me. I share them in the sincere hope that they will be honored as genuine.

I am the parent of [REDACTED] I am in the process of enrolling [REDACTED] into the Waverly School kindergarten program for the fall. I have read the admissions package and Waverly School Handbook and cannot comply with immunization requirements of the Eastchester Union Free School District (EUFSD), and am requesting a religious exemption to the school mandate.

I am a lifelong practicing Roman Catholic. I was raised in the faith, I have never left it, and it governs every significant decision of my life. I attend weekly Mass and all Holy Days of Obligation at Immaculate Heart of Mary Church in Scarsdale with my [REDACTED]. I have taught [REDACTED] to pray, and I bring our faith into every part of our daily life together. Religion is not something I practice on Sundays alone — it is the foundation from which I make every meaningful choice for myself and my child.

Scripture is not something I read occasionally or turn to only in times of need. It is a daily presence in my life. I study the Gospel and the teachings of the Church with sincerity and devotion, not because I am required to, but because the Word of God speaks directly to how I live, how I parent, and who I am. As a Christian, as a wife, and as a mother, I understand the Gospel to be God's living instruction for every aspect of my life — including the most intimate decisions about my body and the bodies of my children.

When I read Scripture I do not read it as history or as allegory. I read it as instruction. I believe the Word of God is true, that it was given to us as a guide, and that it applies to the choices I face today as much as it applied to those who first received it. My study of the Gospel has deepened my understanding of what it means to honor God with my body, to keep myself and my family pure from what He has declared unclean, and to act always from faith rather than from fear or social pressure.

I have prayed deeply and at length over the question of vaccination. I have studied the relevant Scripture passages many times, reflected on their meaning in light of Church teaching, and brought this question before God in sincere prayer. The conclusion I have reached is not casual, not adopted for convenience, and not recently formed. It is the product of a sincere and sustained engagement with God's Word that has only deepened my conviction. I believe with my whole heart that it would be a sin — a genuine, serious sin — to vaccinate myself or my children. Not because I have been told to believe this by any organization or movement, but because my own prayerful reading of God's Word, in contrast to what vaccines contain, how they are made, and how they defile the sanctity of the blood, leads me to that conclusion with complete certainty. I cannot act against it. God does not give me that option.

As a wife and mother, I understand that my first obligation before God is to raise my family in accordance with His Word. [REDACTED] is a gift from God. I am entrusted with his care, his formation, and his soul. Every decision I make for him — how I teach him to pray, how I raise him in the faith, what I allow into his body — I make before God and in light of His Word. To vaccinate [REDACTED] against my sincere religious conviction would not merely be a personal choice I disagree with. It would be a betrayal of the trust God has placed in me as his mother, a violation of my duty before Him, and an act I believe He would judge as sin. I will not do it.

My commitment to Catholic teaching is not selective. I follow the Church's teachings even when they require sacrifice. I have never used birth control — not once in my adult life — because the Church teaches that the body is sacred and that human life must be honored in its fullness. I never truly understood before how offensive vaccination is to my religious beliefs. That conviction

is shaping the most intimate decisions of my life. The same faith that has always governed those decisions that now requires me to categorically refuse vaccination for myself and for my children.

The foundation of my religious beliefs about what enters the body is Scripture. I am guided above all by 1 Corinthians 6:19–20:

"Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought at a price. Therefore honor God with your bodies."

My body and my son's body are temples of the Holy Spirit. They belong to God. I am entrusted with their care and I am answerable to God for how I honor that trust. What I allow into our bodies is a matter of religious conscience before it is anything else. Scripture makes this obligation absolute.

1 Corinthians 3:17 confirms the gravity of this obligation:

"If anyone destroys God's temple, God will destroy that person; for God's temple is sacred, and you are that temple."

God's temple must not be defiled. To permit unclean, unholy, or diseased substances to enter this temple — my body or my son's body — is to desecrate what God has made sacred. This is not a metaphor to me. It is a binding religious command.

Romans 12:1 instructs me further:

"Therefore, I urge you, brothers and sisters, in view of God's mercy, to offer your bodies as a living sacrifice, holy and pleasing to God — this is your true and proper worship."

My body — and my son's body — must be kept holy and pleasing to God. This is worship. Allowing substances that are impure, derived from practices my faith forbids, or that mix what God has created separately, would be a failure of this worship.

2 Corinthians 7:1 commands:

"Therefore, since we have these promises, dear friends, let us purify ourselves from everything that contaminates body and spirit, perfecting holiness out of reverence for God."

I am commanded to purify myself and my child from everything that contaminates body and spirit. Vaccines that contain the remains of aborted human babies, animal blood and tissue, and foreign biological material that God did not place in the human body are, in my sincere religious understanding, contaminants of exactly this kind.

Scripture treats blood as uniquely sacred — the vessel of life itself. God commanded this from the very beginning of His covenant with humanity.

Leviticus 17:11 declares:

"For the life of a creature is in the blood, and I have given it to you to make atonement for yourselves on the altar; it is the blood that makes atonement for one's life."

Defiling the blood by mixing it with the blood of animals, with the remains of aborted human beings, or with foreign biological material, violates God's Word. Vaccination injects biological material derived from unclean sources directly into the bloodstream. My faith forbids this.

God created human beings in His image, distinct from all other creatures. The mixing of human and animal blood material, human fetal cell lines combined with animal tissue violates this fundamental principle of God's created order. To inject my son with a substance that mingles human genetic material with animal biological components is, in my sincere religious belief, to defy the boundary God established at creation between human beings, made in His image, and the animals He created separately. I will not do it.

My faith requires me to oppose abortion absolutely. The taking of an innocent human life is a grave sin. My Catholic beliefs have always held this. When I came to understand that certain vaccines on the mandatory schedule are manufactured using cell lines derived from aborted human

fetuses, and that vaccinations are injecting the remains of aborted children and animal blood, even in some vaccines insect parts, are present in substances being injected into living bodies. I recognized that my existing religious convictions required me to refuse those vaccines. This was not the formation of a new belief. It was the application of a conviction I have held my entire adult life to a specific medical intervention I now understand to be incompatible with my faith. I cannot and will not allow the remains of aborted children to enter my body or my son's.

Scripture also confirms my belief that God designed the healthy body to be left as He made it, without the addition of substances it does not require. In Mark 2:17, Jesus himself declared:

"It is not the healthy who need a doctor, but the sick. I have not come to call the righteous, but sinners."

Jesus came to heal the sick. [REDACTED] is not sick. He is healthy, developmentally on track, and ready to begin kindergarten. My faith teaches me that a healthy child's body, created by God and kept pure, does not require the injection of foreign biological substances derived from sources my faith condemns as unclean. God designed the human body with an immune system as part of His creation. I trust in that design. To inject a healthy child with vaccines containing aborted fetal material, animal blood and tissue, and mixed biological substances is not medicine in my faith — it is the defilement of what God made whole.

Scripture commands me to be fully convinced in my own mind and to act in accordance with my formed religious conscience. I am fully convinced. To vaccinate [REDACTED] against the clear direction of that conscience would be, in my sincere religious understanding, an act of sin. I will not commit it. What matters, and what I ask to be honored here, is that my religious beliefs contrary to vaccinating are sincerely held and rooted in a lifetime of Catholic belief and practice. My beliefs are my own. They are real. They are longstanding. And they govern how I raise my son.

My faith does not permit me to vaccinate. I ask that my beliefs be honored, that this exemption be granted, and that my son [REDACTED] be permitted to attend school. The law of this State requires that my religious beliefs be accommodated. Thank you.

Respectfully submitted,

[REDACTED]

Date: April 7, 2026