

## 24-38 LITTLE, GOVERNOR OF IDAHO V. HECOX

DECISION BELOW: 104 F.4th 1061

LOWER COURT CASE NUMBER: 20-35813, 20-35815

QUESTION PRESENTED:

Women and girls have overcome decades of discrimination to achieve a more equal playing field in many arenas of American life-including sports. Yet in some competitions, female athletes have become bystanders in their own sports as male athletes who identify as female have taken the place of their female competitors-on the field and on the winners' podium.

The Idaho Legislature addressed that injustice by enacting the Fairness in Women's Sports Act, which ensures that women and girls do not have to compete against men and boys no matter how those men and boys identify. The Act-one of 25 such state laws around the country-is consistent with longstanding government policies preserving women's and girls' sports due to the "average real differences" between the sexes. *Clark ex rel. Clark v. Ariz. Interscholastic Ass'n*, 695 F.2d 1126, 1131 (9th Cir. 1982).

Breaking with this Court's precedents, its own caselaw, other circuit decisions, and biological reality, the Ninth Circuit panel here upheld an injunction against the Act because it prevents "transgender women and girls"-meaning males who identify as women and girls-from competing in "women's student athletics." App.4a-5a.

The question presented is:

Whether laws that seek to protect women's and girls' sports by limiting participation to women and girls based on sex violate the Equal Protection Clause of the Fourteenth Amendment.

CERT. GRANTED 7/3/2025