

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 17-3113

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JOEL DOE, a Minor, by and through his Guardians  
John Doe and Jane Doe; MACY ROE; MARY SMITH;  
JACK JONES, a minor, by and through his Parents  
John Jones and Jane Jones, \*CHLOE JOHNSON, A minor  
by and through her Parent Jane Johnson; \*JAMES JONES, A Minor  
by and through his Parents John Jones and Jane Jones  
Appellants

v.

BOYERTOWN AREA SCHOOL DISTRICT;  
DR. BRETT COOPER, In his official capacity as Principal;  
DR. E. WAYNE FOLEY, In his official capacity as Assistant Principal;  
DAVID KREM, Acting Superintendent

PENNSYLVANIA YOUTH CONGRESS FOUNDATION (Intervenor in D.C.)

\*(Pursuant to Court Order dated 04/06/18)

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(E.D. Pa. No. 5-17-cv-01249)  
District Judge: Honorable Edward G. Smith

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Argued May 24, 2017

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Before: MCKEE, SHWARTZ and NYGAARD, Circuit Judges

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JUDGMENT

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We agree Plaintiffs have not demonstrated a likelihood of success on the merits and that they have not established that they will be irreparably harmed if their Motion to Enjoin the Boyertown School District's policy is denied.

We therefore Affirm the District Court's denial of a preliminary injunction substantially for the reasons that the Court explained in its exceptionally well reasoned Opinion of August 25, 2017.

A formal Opinion will follow. The mandate shall issue forthwith. The time for filing a petition for rehearing will run from the date that the Court's formal opinion is entered on the docket.

For the Court,

Theodore A. McKee  
Circuit Judge

ATTEST:

s/ Patricia S. Dodzuweit  
Clerk

DATED: May 24, 2018