

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 12 2025

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

HEALTH FREEDOM DEFENSE FUND,  
INC., a Wyoming Not-for-Profit  
Corporation; JEFFREY FUENTES;  
SANDRA GARCIA; HOVHANNES  
SAPONGHIAN; NORMA BRAMBILA;  
CALIFORNIA EDUCATORS FOR  
MEDICAL FREEDOM,

Plaintiffs-Appellants,

v.

ALBERTO CARVALHO, in his official  
capacity as Superintendent of the Los  
Angeles United School District; ILEANA  
DAVALOS, in her official capacity as Chief  
Human Resources Officer for the Los  
Angeles School District; GEORGE  
MCKENNA; MONICA GARCIA; SCOTT  
SCHMERELSON; NICK MELVOIN;  
JACKIE GOLDBERG; KELLY GONEZ;  
TANYA ORTIZ FRANKLIN, in their  
official capacities as members of the Los  
Angeles Unified School District governing  
board,

Defendants-Appellees.

No. 22-55908

D.C. No.

2:21-cv-08688-DSF-PVC

Central District of California,  
Los Angeles

ORDER

One or more judges on the en banc court have requested briefing on the following issue:

1. Whether *Belanger v. Madera Unified Sch. Dist.*, 963 F.2d 248, 254 (9th Cir. 1992), and *Sato v. Orange Cnty. Dep't of Educ.*, 861 F.3d 923, 934

(9th Cir. 2017), remain good law to the extent that they hold that California school districts enjoy sovereign immunity under the Eleventh Amendment or whether those cases should instead be overruled.

The parties are ordered to file supplemental briefs, not to exceed 15 pages or 4,200 words, no later than February 28, 2025.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT