

FILED: March 31, 2005

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1364
(CA-02-1528-A)

EDWARD R. MYERS, individually and
as guardian of minor children,

Plaintiff - Appellant,

versus

LOUDOUN COUNTY PUBLIC SCHOOLS;
COMMONWEALTH OF VIRGINIA,

Defendants - Appellees,

and

UNITED STATES OF AMERICA,

Intervenor - Appellee,

and

EDGAR B. HATRICK, Superintendent,

Defendant.

STATE OF ALABAMA; STATE OF
ALASKA; STATE OF ARKANSAS; STATE
OF COLORADO; STATE OF DELAWARE;
STATE OF FLORIDA; STATE OF
GEORGIA; STATE OF HAWAII; STATE
OF IDAHO; STATE OF ILLINOIS;
STATE OF INDIANA; STATE OF
KANSAS; STATE OF KENTUCKY; STATE

OF MARYLAND; STATE OF
MISSISSIPPI; STATE OF MONTANA;
STATE OF NEVADA; STATE OF NORTH
CAROLINA; STATE OF NORTH DAKOTA;
STATE OF OHIO; STATE OF OKLAHOMA;
STATE OF OREGON; STATE OF
PENNSYLVANIA; STATE OF SOUTH
CAROLINA; STATE OF SOUTH DAKOTA;
STATE OF TENNESSEE; STATE OF
TEXAS; STATE OF UTAH; STATE OF
WASHINGTON; STATE OF WYOMING

Amici Supporting Appellee.

O R D E R

In Myers's Rule 28(j) letter, he admits that the case law establishes that parents may not represent their minor children pro se in federal court, but argues that we should not follow this precedent because Virginia statutory law has been interpreted to allow parents to represent their minor children pro se. In addition, Myers argues that he has standing to assert a violation of his own Fourteenth Amendment fundamental right to guide the religious education of his children. We note, however, that it appears Myers expressly disavowed any theory on appeal, including any Fourteenth Amendment claim, other than his Establishment Clause claim. (Appellant's Opening Br. at 7.)

In light of the issues presented on appeal, the arguments raised in the 28(j) letter, and the apparent abandonment of any Fourteenth Amendment claim, the panel requests additional briefing on the following issues: (1) Whether Myers may represent his minor children pro se in federal district court, and, (2) if not, what effect that conclusion has on our appellate jurisdiction over the preserved claims in this case. In considering the second question, the parties should discuss whether Myers himself has standing to bring a claim under the Establishment Clause because of the alleged injury suffered by his minor children.

The parties shall have 10 days from the date of this order to file their opening briefs on these issues, and shall have 5 days after the date their opening briefs are due in which to submit their responsive briefs. Each opening brief shall be no more than 10 pages and each responsive brief shall be no more than 5 pages.

For the Court

/s/ Patricia S. Connor

Clerk