[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 17-13801
Non-Argument Calendar

D.C. Docket No. 1:16-cv-01460-ODE

GERALD LYNN BOSTOCK,

Plaintiff-Appellant,

versus

CLAYTON COUNTY BOARD OF COMMISSIONERS,

Defendant,

CLAYTON COUNTY,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(August 27, 2020)

ON REMAND FROM THE
SUPREME COURT OF THE UNITED STATES

Before WILSON, NEWSOM, and TJOFLAT, Circuit Judges.

PER CURIAM:

When this case came to us initially, binding circuit precedent demanded that we affirm the district court's dismissal of Bostock's Title VII sexual orientation discrimination claim for failure to state a claim. *See Bostock v. Clayton Cty. Bd. of Comm'rs*, 723 F. App'x 964, 964–65 (11th Cir. 2018) (per curiam) (citing relevant precedent and the prior panel precedent rule). The United States Supreme Court reversed and remanded our decision. *Bostock v. Clayton Cty.*, 590 U.S. ___, ___, 140 S. Ct. 1731, 1754 (2020). The Supreme Court held that, under the "plain terms" of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), an employer intentionally, necessarily, and illegally discriminates against an individual because of such individual's sex when the employer discriminates against an employee for being homosexual or transgender. *See Bostock*, 590 U.S. at ___, ___, 140 S. Ct. at 1741, 1743. For the reasons stated in the Supreme Court's decision, we reverse the district court's dismissal of Bostock's Title VII claim and remand for further proceedings consistent with that decision.

REVERSED AND REMANDED.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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August 27, 2020

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 17-13801-GG
Case Style: Gerald Bostock v. Clayton County, Georgia
District Court Docket No: 1:16-cv-01460-ODE

Enclosed is a copy of this court's decision filed today in this appeal on remand from the Supreme Court of the United States.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call Joseph Caruso, GG at (404) 335-6177.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jeff R. Patch
Phone #: 404-335-6151

OPIN-6 Issuance of Opinion Remand SC