NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

September 13, 2024*

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 24-2513

JOHN DOE,
Plaintiff-Appellant,

v.

LOYOLA UNIVERSITY CHICAGO,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 1:18-cv-007335

Steven C. Seeger,
Judge.

O R D E R

We remanded this case to the district court, 100 F.4th 910 (7th Cir. 2024), with instructions to consider two questions: first, whether the case is moot because John Doe is attending a different university, and, second, whether Jane Roe has a right to have her identity concealed and, if she does, whether disclosure of Doe's name would undercut Roe's entitlement. We added that in a similar case, *Doe v. Indiana University*, 101 F.4th 485 (7th Cir. 2024), we "remanded to the district court so that the plaintiff could decide whether to dismiss the suit rather than reveal his name. That course is appropriate here as well." 100 F.4th at 914.

* We have unanimously agreed to decide the case without argument because the briefs and record adequately present the facts and legal arguments, and argument would not significantly aid the court. See Fed. R. App. P. 34(a)(2)(C).

On remand the district court concluded that the case is not moot because expungement of Doe's disciplinary sanction might improve his employment prospects and because he has a plausible claim to have Loyola reimburse the admission fee he had to pay to enter a different university. The court also concluded that John Doe must litigate in his real name because, although Jane Roe should not be named in a judicial opinion, she does not object to the possibility that her classmates may be able to identify her if Doe's real name is used.

The district court did not, however, enter a new final decision. Nor did Doe elect whether to dismiss the suit rather than reveal his name. Instead he immediately appealed (No. 24-2513) and asked us to consolidate the new appeal with his appeal from two years ago (No. 22-2925).

The request to consolidate is denied. Appeal No. 22-2925 was resolved May 3, 2024, Doe's petition for rehearing was denied June 3, 2024, and the mandate issued June 11, 2024. Doe has not asked us to recall the mandate, and we cannot see any reason to do so. Appeal No. 22-2925 is closed.

Appeal No. 24-2513 is dismissed for want of jurisdiction. The district court has yet to enter a final decision on remand, likely because Doe has yet to make the election called for by our opinion. If Doe elects to proceed in his real name, then the district court will enter a new judgment and Doe can appeal on the merits. If Doe elects to dismiss rather than have his name on the public record, again that will lead to a final decision.

We recognize that *Doe v. Village of Deerfield*, 819 F.3d 372, 376 (7th Cir. 2016), treats an order rejecting a plaintiff's request for anonymity as an appealable collateral order. The appeal in *Deerfield* produced an initial appellate decision about anonymity. The collateral order doctrine is not designed to produce *sequential* appellate review of the same issue. The doctrine is designed, instead, to ensure that vital issues do not escape appellate resolution, when they could not be raised on appeal from a final decision. *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009).

This court has already held that John Doe is not entitled to litigate anonymously, unless identifying him would impinge on whatever right to anonymity Jane Roe possesses. Doe asked for rehearing, which was denied. A further appeal under the collateral order doctrine cannot be used as an indirect means to file a second petition for rehearing. If Jane Roe had joined John Doe in asking that Doe's name be concealed, that might have justified another appellate look at the topic in order to finish the review of an issue that our prior opinion identified but did not resolve. But given Roe's statement

that she is willing to accept the risk that people who know both her and Doe would put two and two together, that topic does not require further appellate consideration in advance of the district court's final decision.

Doe needs to make the election that should have been made already. Once the district court has entered a new final decision, an appeal will be possible—though we trust for some reason other than to try once again to obtain rehearing.

Appeal No. 24-2513 is dismissed.