

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

MIRIAM FLORES, individually and  
as a parent of Miriam Flores,  
minor child; ROSA RZESLAWSKI,  
individually and as a parent of  
Mario Rzeslawski, minor child,  
*Plaintiffs-Appellees,*

and

SPEAKER OF THE ARIZONA HOUSE OF  
REPRESENTATIVES AND PRESIDENT OF  
THE ARIZONA SENATE,

*Intervenor,*

v.

STATE OF ARIZONA,

*Defendant-Appellee,*

THOMAS C. HORNE, Superintendent  
of Public Instruction,

*Defendant-Appellant,*

and

C. DIANE BISHOP, Superintendent  
of Public Instruction; EUGENE  
HUGHES; DAVID SILVA; CLAUDINE  
BATES ARTHUR; JOHN HOSNER; KEN  
BENNETT; RAY KELLIS; JIM ALLMAN;  
MORRISON WARREN, members of  
the State Board of Education,

*Defendants.*

No. 07-15603

D.C. No.  
CV-92-00596-RCC  
District of Arizona,  
Tucson

MIRIAM FLORES, individually and  
as a parent of Miriam Flores,  
minor child; ROSA RZESLAWSKI,  
individually and as a parent of  
Mario Rzeslawski, minor child,  
*Plaintiffs-Appellees,*

SPEAKER OF THE ARIZONA HOUSE OF  
REPRESENTATIVES AND PRESIDENT OF  
THE ARIZONA SENATE,  
*Intervenor-Appellant,*

v.

STATE OF ARIZONA; C. DIANE  
BISHOP, Superintendent of Public  
Instruction; EUGENE HUGHES;  
DAVID SILVA; CLAUDINE BATES  
ARTHUR; JOHN HOSNER; KEN  
BENNETT; RAY KELLIS; JIM ALLMAN;  
MORRISON WARREN, members of  
the State Board of Education;  
THOMAS C. HORNE, Superintendent  
of Public Instruction,  
*Defendants.*

No. 07-15605  
D.C. No.  
CV-92-00596-RCC  
District of Arizona,  
Tucson  
ORDER

On Remand from the United States Supreme Court

Filed August 13, 2009

Before: Betty B. Fletcher, Marsha S. Berzon and  
Johnnie B. Rawlinson, Circuit Judges.

**ORDER**

We remand this case to the District Court to comply with the Supreme Court's decision in *Horne v. Flores*, 129 S. Ct. 2579, 2607 (2009).

**IT IS SO ORDERED.**

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