

**FILED**

MAR 20 2009

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U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**BRITTANY McCOMB; MARIANNA  
McCOMB; CONSTANCE J. McCOMB,**

Plaintiffs - Appellees,

v.

**GRETCHEN CREHAN; ROY  
THOMPSON; CHRISTOPHER  
SEFCHECK; WALT RULFFES,**

Defendants - Appellants.

No. 07-16194

D.C. No. CV-06-00852-RCJ/PAL

**MEMORANDUM\***

Appeal from the United States District Court  
for the District of Nevada  
Robert C. Jones, District Judge, Presiding

Argued and Submitted March 10, 2009  
San Francisco, California

Before: **KOZINSKI**, Chief Judge, **HUG** and **BEA**, Circuit Judges.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

We have jurisdiction over this appeal, Knox v. Southwest Airlines, 124 F.3d 1103, 1106 (9th Cir. 1997), and can consider the merits of defendants' arguments, Hydrick v. Hunter, 500 F.3d 978, 986 (9th Cir. 2007).

Defendants did not violate McComb's free speech and free exercise rights by preventing her from making a proselytizing graduation speech. Cole v. Oroville Union High School District, 228 F.3d 1092, 1101 (9th Cir. 2000); Lassonde v. Pleasanton Unified School District, 320 F.3d 979, 983 (9th Cir. 2003). Nor did they violate McComb's right to equal protection; they did not allow other graduation speakers to proselytize.

**REVERSED and REMANDED for dismissal of the claims that are the subject of this appeal.**