

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AMERICANS FOR PROSPERITY
FOUNDATION,
Plaintiff-Appellee,
v.

ROB BONTA *, in his Official
Capacity as Attorney General of
California,
Defendant-Appellant.

No. 16-55727

D.C. No.
2:14-cv-09448-
R-FFM

AMERICANS FOR PROSPERITY
FOUNDATION,
Plaintiff-Appellant,
v.

ROB BONTA, in his Official Capacity
as Attorney General of California,
Defendant-Appellee.

No. 16-55786

D.C. No.
2:14-cv-09448-
R-FFM

* Rob Bonta has been substituted for his predecessor, Xavier Becerra, as California Attorney General under Fed. R. App. P 43(c)(2).

THOMAS MORE LAW CENTER,
Plaintiff-Appellee,

v.

ROB BONTA, in his Official Capacity
as Attorney General of the State of
California,
Defendant-Appellant.

No. 16-56855

D.C. No.
2:15-cv-03048-
R-FFM

THOMAS MORE LAW CENTER,
Plaintiff-Appellant,

v.

ROB BONTA, in his Official Capacity
as Attorney General of the State of
California,
Defendant-Appellee.

No. 16-56902

D.C. No.
2:15-cv-03048-
R-FFM

ORDER

On Remand from the United States Supreme Court

Filed August 27, 2021

Before: Richard A. Paez and Jacqueline H. Nguyen,
Circuit Judges.

Order

COUNSEL

Alexandra Robert Gordon, Jose A. Zelidon-Zepeda, Kevin A. Calia, and Emmanuelle S. Soichet, Deputy Attorneys General; Tamar Pachter, Supervising Deputy Attorney General; Thomas S. Patterson and Douglas J. Woods, Senior Assistant Attorneys General; Office of the Attorney General, San Francisco, California; for Defendant-Appellant/Cross-Appellee.

Derek L. Shaffer, William A. Burck, Eric C. Lyttle, Keith H. Forst, Christopher Landau, and Jonathan G. Cooper, Quinn Emanuel Urquhart & Sullivan LLP, Washington, D.C.; Harold A. Barza, Quinn Emanuel Urquhart & Sullivan LLP, Los Angeles, California; Kathleen M. Sullivan, Quinn Emanuel Urquhart & Sullivan LLP, New York, New York; for Plaintiff-Appellee/Cross-Appellant Americans for Prosperity.

Louis H. Castoria, Marion V. Cruz, and Ian E. Anderson, Kaufman Dolowich & Voluck LLP, San Francisco, California; for Plaintiff-Appellee/Cross-Appellant Thomas More Law Center.

Robert E. Gooding Jr., Chris Cox, and Samuel S. Sadeghi, Morgan Lewis & Bockius LLP, Costa Mesa, California; Alexander L. Reid and James D. Nelson, Morgan Lewis & Bockius LLP, Washington, D.C.; for Amicus Curiae The Philanthropy Roundtable, Liberty Education Forum, Pacific Research Institute, and Alliance Defending Freedom.

Lena F. Masri, Gadeir I. Abbas, and Carolyn M. Homer, Cair Legal Defense Fund, Washington, D.C., for Amicus Curiae Council on American-Islamic Relations.

Herbert W. Titus, Jeremiah L. Morgan, William J. Olson, and Robert J. Olson, William J. Olson P.C., Vienna, Virginia; Michael Boos, Citizens United, Washington, D.C.; for Amici Curiae Citizens United, Citizens United Foundation, Free Speech Defense and Education Fund, and Free Speech Coalition.

Mark J. Fitzgibbons, American Target Advertising, Manassas, Virginia, for Amicus Curiae American Target Advertising.

Keith J. Miller, Assistant Attorney General; Dominic E. Draye, Solicitor General; Mark Brnovich, Attorney General; Office of the Attorney General, Phoenix, Arizona; Steve Marshall, Attorney General of Alabama; Leslie Rutledge, Attorney General of Arkansas; Derek Schmidt, Attorney General of Kansas; Jeff Landry, Attorney General of Louisiana; Douglas J. Peterson, Attorney General of Nebraska; Adam Paul Laxalt, Attorney General of Nevada; Alan Wilson, Attorney General of South Carolina; Ken Paxton, Attorney General of Texas; Brad D. Schimel, Attorney General of Wisconsin; for Amici Curiae States of Arizona, Alabama, Arkansas, Kansas, Louisiana, Nebraska, Nevada, South Carolina, Texas, and Wisconsin.

Jeremy Talcott and Joshua P. Thompson, Pacific Legal Foundation, Sacramento, California, for Amicus Curiae Pacific Legal Foundation.

Jonathan F. Mitchell, Mitchell Law PLLC, Austin, Texas; Philip Hamburger, Mark Chenoweth, Michael P. DeGrandis, and Margaret A. Little, New Civil Liberties Alliance, Washington, D.C.; for Amicus Curiae New Civil Liberties Alliance.

Andrew P. Pugno, Law Offices of Andrew P. Pugno, Fair Oaks, California, for Amicus Curiae Proposition 8 Legal Defense Fund.

ORDER

On July 1, 2021, the Supreme Court issued its opinion in these consolidated cases, reversing our prior judgment in *Americans for Prosperity Foundation v. Becerra*, 903 F. 3d 1000 (9th Cir. 2019). See *Americans for Prosperity Foundation v. Bonta*, ___ U. S. ___, 141 S. Ct. 2373 (2021).

In light of the Supreme Court’s opinion, the judgments of the district court in *Americans for Prosperity Foundation v. Bonta*, No. 16-55727 and *Thomas More Law Center v. Bonta*, No. 16-56855 are **AFFIRMED**. These cases are remanded to the district court for further proceedings consistent with the Supreme Court’s opinion.

A copy of this Order shall act as and for the mandate of this court.

IT IS SO ORDERED.