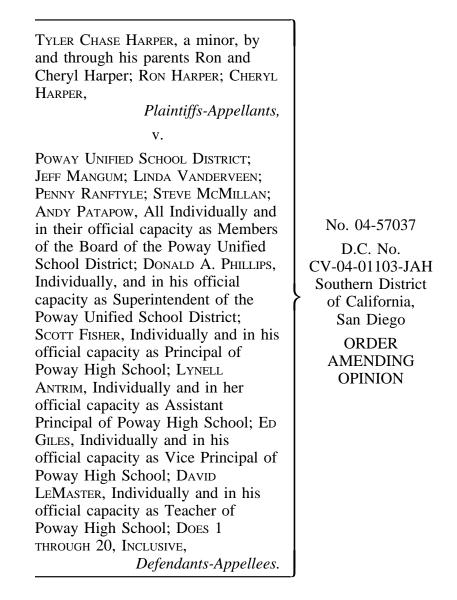
FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT



5909

Filed May 31, 2006

Before: Stephen Reinhardt, Alex Kozinski, and Sidney R. Thomas, Circuit Judges.

ORDER

The majority opinion filed April 29, 2006, is hereby amended as follows:

1. At Slip Op. at 4676, footnote 28, at the end of the footnote, add: "We do not exclude, however, the possibility that some verbal assaults on the core characteristics of majority high school students would merit application of the *Tinker* "intrusion upon the rights of other students" prong. That question is not presently before us."

The dissenting opinion filed April 29, 2006, is hereby amended as follows:

1. At Slip Op. at 4710, footnote 11, between *<Id.* at 4667.> and *<*Read broadly, this would protect>, add: "The majority also does not "exclude . . . the possibility that some verbal assaults on the core characteristics of majority high school students would merit application of the *Tinker* 'intrusion upon the rights of other students' prong." *Id.* at ______ n.28.

Appellants' petition for rehearing en banc is still pending before this court.

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