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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