


1 Margaret Dupes (“Dupes”), wrote an editorial, which was a critique of the Bush
2 Administration’s abstinence-only policy of sex education and a response to an assembly
3 sponsored by FHS promoting abstinence-only sex education which was held earlier in the school
4 year. Plaintiff Daniela Rogulj (“Rogulj”), a student and Opinion Page Editor collaborated on the
5 editorial with Dupes and edited it. King caused the editorial to be removed from the newspaper.
6 (*Id.* at 4.)

7 Ariosta, Dupes and Rogulj moved for a preliminary injunction “prohibiting Defendants
8 from continuing to impose a prior restraint on publication of the Article and Editorial at issue in
9 Plaintiff’s complaint.” (Pls’ Notice of Mot. and Mot. at 2.) On March 25, 2009 Defendants
10 published the article and editorial in *The Tomahawk*. (Supp. Decl. of Dale J. Mitchell dated
11 Mar. 26, 2009 & Ex. A.) Plaintiffs acknowledge that the publication moots their motion. (Reply
12 at 1 (“Defendants’ new position might make it unnecessary for this Court to issue an
13 injunction.”).) Plaintiffs do not contend that the article and editorial, as published, were
14 censored in any way.

15 Based on the foregoing, Plaintiffs’ motion for a preliminary injunction is **DENIED AS**
16 **MOOT.**

17 **IT IS SO ORDERED.**

18
19 DATED: June 29, 2009

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21 
M. James Lorenz
United States District Court Judge

22 COPY TO:

23 HON. ANTHONY J. BATTAGLIA
UNITED STATES MAGISTRATE JUDGE

24 ALL PARTIES/COUNSEL
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