

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-61413-CV-COHN

MICHAEL BLOCK, pro se,  
JOHN DOE, a minor child, pro se

Magistrate Judge Seltzer

Plaintiffs,

vs.

THE SCHOOL BOARD OF BROWARD COUNTY,  
a/k/a BROWARD COUNTY PUBLIC SCHOOLS,  
MAUREEN DINNEN, JENNIFER GOTTLIEB and STEPHANIE  
KRAFT, ESQ., individually and as School Board Commissioners,  
JAMES F. NOTTER, individually and as School Board  
Superintendent, and CHARLIE CRIST, Florida Governor,

Defendants.

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**ORDER GRANTING MOTIONS TO DISMISS BY DEFAULT**

**THIS CAUSE** is before the Court upon the Motions to Dismiss filed by The School Board of Broward County, James Notter, Maureen Dineen, Jennifer Gottlieb and Stephanie Kraft [DE 9], and by Charlie Crist [DE 10], as well as the School Board's Motion to Grant the School Board's Motion to Dismiss the Plaintiffs' Complaint by Default [DE 11]. These motions were served by mail upon the pro se Plaintiff, Michael Block, at his address of record in this case. No response has been received to any of the motions, and the time for responding has passed.

Plaintiff Michael Block filed a pro se, verified complaint on his behalf and on behalf of his minor grandchild. Mr. Block is the child's guardian. Mr. Block sued the above listed Defendants pertaining to alleged First Amendment violations regarding the televising of President Barack Obama's speech to schoolchildren. The Court initially denied the requested emergency relief regarding Plaintiffs' complaint to stop Defendants

from compelling students to listen to the President's speech.

Defendants have all moved to dismiss the Complaint on grounds of lack of jurisdiction because Plaintiffs either lack standing because Plaintiffs have not alleged injury, or the controversy is moot. Defendant Crist asserts additional reasons for his dismissal, including that he is not a "person" under 42 U.S.C. § 1983, none of his actions caused any alleged damage to Plaintiffs, and he is entitled to qualified immunity.

Upon reviewing the motions, the Court concludes that Defendants have made a valid legal argument that the claims in the Complaint are moot. Therefore, the Court does not reach the additional arguments raised and grants the motions to dismiss by default.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The School Board of Broward County, James Notter, Maureen Dineen, Jennifer Gottlieb and Stephanie Kraft's Motion to Dismiss [DE 9] is hereby **GRANTED**;
2. Charlie Crist's Motion to Dismiss [DE 10] is hereby **GRANTED**;
3. The School Board's Motion to Grant the School Board's Motion to Dismiss the Plaintiffs' Complaint by Default [DE 11] is hereby **GRANTED**;
4. The Plaintiff's Complaint is therefore dismissed, as moot.
5. The Clerk shall close this case.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 21st day of December, 2009.

  
JAMES I. COHN  
United States District Judge

Copies furnished to:

Defendant's counsel of record on CM/ECF

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