

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Parents Involved in Community Schools v. Seattle School District No.

1

426 F.3d 1162 (9th Cir. 2005) · No. CV-00-01205-BJR · Decided August 22, 2007

SUMMARY

The United States Court of Appeals for the Ninth Circuit issued an order vacating its previous opinion in *Parents Involved in Community Schools v. Seattle School District No. 1*. The case was remanded from the United States Supreme Court, which had previously decided the case. The Ninth Circuit's order directs the district court to conduct further proceedings in light of the Supreme Court's decision. The case involves a challenge to the Seattle school district's use of racial tiebreakers in assigning students to schools.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Mary M. Schroeder; Harry Pregerson; Alex Kozinski; Andrew J. Kleinfeld; Michael Daly Hawkins; William A. Fletcher; Raymond C. Fisher; Richard C. Tallman; Johnnie B. Rawlinson; Consuelo M. Callahan; Carlos T. Bea
JURISDICTION	Federal
DECIDED	August 22, 2007
DOCKET	CV-00-01205-BJR
DISPOSITION	remanded
PROCEDURAL POSTURE	On remand from the United States Supreme Court
PRECEDENTIAL VALUE	published
PARTIES	Parents Involved in Community Schools v. Seattle School District No. 1

TOPICS

- appellate jurisdiction
- appellate procedure
- constitutional law

PRACTICE AREAS

- civil rights
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Ninth Circuit should vacate its prior opinion and remand the case following the United States Supreme Court's decision in *Parents Involved in Community Schools v. Seattle School District No. 1*.

HOLDINGS

1. The Ninth Circuit vacates its prior opinion and remands the case to the district court for further proceedings.

KEY QUOTATIONS

“we VACATE our opinion in Parents Involved in Community Schools v. Seattle School Dist. No. 1, 426 F.3d 1162 (9th Cir. 2005) (en banc), and REMAND to the district court for further proceedings.”

PROCEDURAL HISTORY

The United States Supreme Court decided *Parents Involved in Community Schools v. Seattle School District No. 1*, 127 S. Ct. 2738 (2007). The Ninth Circuit vacated its prior en banc opinion (426 F.3d 1162) and remanded the case to the district court for further proceedings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand to the district court for further proceedings.

CASES CITED

- *Parents Involved in Community Schools v. Seattle School District No. 1*, 127 S. Ct. 2738 (2007)
- *Parents Involved in Community Schools v. Seattle School District No. 1*, 426 F.3d 1162 (9th Cir. 2005)

OPINION

PER CURIAM.

FOR PUBLICATION UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
PARENTS INVOLVED IN COMMUNITY SCHOOLS, a Washington nonprofit corporation,
Plaintiff-Counter-Defendant- Appellant, v. SEATTLE SCHOOL DISTRICT, NO. 1, a political
subdivision of the State of Washington; JOSEPH OLCHEFSKE, No. 01-35450 in his official
capacity as superintendent; BARBARA SCHAAD- D.C.

No. CV-00-01205-BJR LAMPHERE, in her official capacity as President of the Board of
Western District Directors of Seattle Public of Washington, Schools; DONALD NEILSON, in his
Seattle official capacity as Vice President ORDER of the Board of Directors of Seattle Public

Schools; STEVEN BROWN; JAN KUMASAKA; MICHAEL PRESTON; NANCY WALDMAN, in their official capacities as members of the board of Directors, Defendants-Counter-Claimants-Appellees. On Remand from the United States Supreme Court Filed August 22, 2007 10199 10200 PARENTS v. SEATTLE SCHOOL DIST.

Before: Mary M. Schroeder, Chief Circuit Judge, Harry Pregerson, Alex Kozinski, Andrew J. Kleinfeld, Michael Daly Hawkins, William A. Fletcher, Raymond C. Fisher, Richard C. Tallman, Johnnie B. Rawlinson, Consuelo M. Callahan and Carlos T. Bea, Circuit Judges. ORDER This case was remanded to us from the United States Supreme Court. See *Parents Involved in Community Schools v. Seattle School District No. 1*, 127 S. Ct.

2738 (2007). In light of the Supreme Court's decision, we VACATE our opinion in *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 426 F.3d 1162 (9th Cir. 2005) (en banc), and REMAND to the district court for further proceedings. PRINTED FOR ADMINISTRATIVE OFFICE—U.S. COURTS BY THOMSON/WEST—SAN FRANCISCO The summary, which does not constitute a part of the opinion of the court, is copyrighted © 2007 Thomson/West.