

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUN 29 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In re: THOMAS C. HORNE, in his official  
capacity as State Superintendent of Public  
Instruction.

No. 23-70111

D.C. No. 4:23-cv-00185-JGZ  
District of Arizona,  
Tucson

THOMAS C. HORNE, in his official  
capacity as State Superintendent of Public  
Instruction,

ORDER

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF ARIZONA, TUCSON,

Respondent,

HELEN DOE, parent and next friend of Jane  
Doe; et al.,

Real Parties in Interest.

Before: SILVERMAN, R. NELSON, and BUMATAY, Circuit Judges.

Petitioner has not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus, or any other relief. *See In re Mersho*, 6 F.4th 891, 897 (9th Cir. 2021) (“To determine whether a writ of mandamus should be granted, we weigh the five factors outlined in *Bauman v. United States District*

*Court.*”); *Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

**DENIED.**