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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Mohamed Sabra and Council on American-
Islamic Relations of Arizona,

Plaintiffs,

v.

Maricopa County Community College
District and Nicholas Damask,

Defendants.

No. CV-20-01080-PHX-SMB

ORDER

Pending before the Court is Defendants' Motion to Dismiss. (Doc. 25) Although a preliminary injunction

1 interactions.” (*Id.*)

2 The course is organized into six modules, each containing multiple components to
3 explore various topics concerning world politics. (*Id.* ¶ 8.) The Islamic Terrorism module
4 challenged by Mr. Sabra and the Council on American-Islamic Relations of Arizona
5 (“CAIR-AZ”) had three components: a PowerPoint presentation, excerpts from *Future*
6 *Jihad*, and a quiz. (*Id.* ¶¶ 8-9.) The PowerPoint presentation explored world politics
7 through three sub-topics: (1) “Defining Terrorism”; (2) “Islamic Terrorism: Definition”;
8 and (3) “Islamic Terrorism: Analysis.” (*Id.* ¶¶ 10-32.) The second component required
9 students to

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1 or the claim becomes moot. *Doe v. Madison School Dist. No. 321*, 177 F.3d 789, 797-98
2 (9th Cir. 1999); *Ruiz v. City of Santa Maria*, 160 F.3d 543, 549 (9th Cir. 1998) (“Generally,
3 an action is moot when the issues presented are no longer ‘live’ or the parties lack a legally
4 cognizable interest in the outcome.”).

5 Here, it is undisputed Mr. Sabra completed the World Politics course;
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1 organizational standing is present where an organization is not simply going about their
2 business as usual, but where the organization “had altered their resource allocation to
3 combat the challenged practices.” *Am. Diabetes Ass’n*, 938 F.3d at 1154. Further, in
4 *Havens Realty*, the Supreme Court found organizational standing after determining that the
5 organization had established a “concerted and demonstrable injury to [its] activities.” *Id.*
6 (citing *Havens Realty*, 455 U.S. at 379, 102 S.Ct. 1114).

7 “[CAIR-AZ] is an Arizona-based 501(c)(3) non-profit organization committed to
8 advocacy and protecting the civil rights of American Muslims while promoting justice.”
9 (Doc. 1 ¶ 2.) “To remedy the damage done by Damask, CAIR-AZ has had to divert their
10 resources to create a campaign correcting the Islamophobic information. CAIR-AZ has
11 contracted with a religious scholar to create materials for this campaign. (Doc. 1 ¶ 63.)”
12 CAIR-AZ has not stated how hiring a religious scholar to create materials to advocate
13 against Islamophobic information is anything out of the realm of the normal advocacy that
14 they do.

15 Here, CAIR-AZ, unlike the organization in *Havens*, has not established a concrete
16 and demonstrable injury that would allow them to have standing against the Defendants.
17 CAIR-AZ has not effectively shown that it would have suffered an injury if it had not
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1 resources that is not a normal part of the organization's activities. Thus, CAIR-AZ lacks
2 organizational standing under Article III to bring claims against the Defendants, and their
3 claims must be dismissed pursuant to Rule 12(b)(1).

4 **B. Failure to State a Claim Under Rule 12(b)(6)**

5 Mr. Sabra has standing so the Court addresses Defendants' alternative argument that
6 the complaint alleges no First Amendment claim as a matter of law and must be dismissed.
7 (Doc. 25 at 2, 12-17.) Defendants also argue that even if it

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