

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEWISH LEGAL NEWS, INC.,

Plaintiff,

v.

ALAMEDA UNIFIED SCHOOL
DISTRICT, et al.,

Defendants.

Case No. 25-cv-09505-SVK

**ORDER GRANTING DEFENDANTS’
MOTION TO DISMISS**

Re: Dkt. No. 11

Jewish Legal News, Inc. (“JLN” or “Plaintiff”) brings this action for alleged violations of its “right to receive information” under the First Amendment of the Constitution. Dkt. 1 (the “Complaint”). Before the Court is Defendants’ Alameda Unified School District (“AUSD”) and Fremont Union High School District (“FUHSD”) (collectively, “Defendants” or the “School Districts”) motion to dismiss. Dkt. 11 (the “Motion”). The matter came on for hearing on February 24, 2026. Having considered the Parties’ submissions and oral arguments, the relevant law and the record in this matter, the Court **GRANTS** Defendants’ Motion.

I. BACKGROUND¹

Plaintiff is “a media organization that covers issues of antisemitism, free speech and educational policy[.] ... [It] conducts public records requests and publishes articles on topics of interest to the Jewish community” Dkt. 1, ¶¶ 2, 9. Defendants AUSD and FUHSD are School Districts in the San Francisco Bay Area, encompassing three schools at issue here: Alameda High School (AUSD), Homestead High School (FUHSD) and Fremont High School (FUHSD). *Id.*, ¶¶

¹ The factual background herein is drawn from the Complaint. *See Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008) (courts generally “accept factual allegations in the complaint as true and construe the pleadings in the light most favorable to the nonmoving party.”).

1 2, 10-11, 20.

2 Non-party Luai Ahmed is an individual born in Sana'a, Yemen, in 1993. *Id.*, ¶ 13. In
3 2014, Mr. “Ahmed fled Yemen for Sweden as a refugee due to his sexual orientation, and the
4 threat posed to him under Islamist rule in Yemen.” *Id.*, ¶ 15. There, he “became a columnist for
5 the newspaper Bulletin and a social-media influencer writing and speaking extensively about
6 Islamist extremism, integration issues for immigrants, antisemitism, LGBTQ+ rights and Muslim-
7 Jewish relations.” *Id.*, ¶ 16.

8 Between about October 30, 2025 and November 4, 2025, “Mr. Ahmed was scheduled to
9 speak at four Bay Area high schools,” including the three schools at issue here. *Id.*, ¶ 20. Plaintiff
10 alleges that the “talks were publicized by Jewish organizations,” and that one of its correspondents
11 “planned to report on each of these events, including by interviewing the students’ reactions to the
12 speaker, for publication in JLN.” *Id.*, ¶ 21. However, Plaintiff alleges, “[d]ays before the
13 scheduled events, each school announced cancellation or postponement of Mr. Ahmed’s talk.” *Id.*,
14 ¶ 22. Plaintiff alleges that the cancellations² “turned on viewpoint” because they were “made in
15 response to protest and pressure by advocacy groups that “disfavored” Mr. Ahmed’s message. *Id.*
16 1, ¶¶ 1-2, 25. Plaintiff alleges that “the [S]chool [D]istricts agreed with that sentiment and/or
17 capitulated to the pressure.” *Id.*, ¶ 25.

18 On November 4, 2025, Plaintiff filed this action, alleging that the School Districts violated
19 its First Amendment right to receive information. *See id.* The Complaint seeks, in relevant part:

- 20 A. a declaration “that Defendants’ cancellations of Mr. Ahmed’s speaking
21 engagements violated Plaintiff’s First Amendment’s right to receive information;”
22 B. an injunction prohibiting “Defendants from denying access to speakers on the basis
23 of viewpoint, and requiring that a speaker policy be applied neutrally and
24 consistently;” and

25
26 ² Although one of these events was postponed, rather than cancelled, Plaintiff’s Complaint refers
27 to the actions collectively as “cancellations,” (*e.g.*, Dkt. 1, ¶¶ 1, 35). The Court likewise uses this
28 shorthand to refer to the actions taken by the School Districts, because Plaintiff argues that it
alleged “that ‘postponement’ functioned as cancellation because Ahmed was only in the region
briefly and there is no likelihood of rescheduling,” (Dkt. 13 at 12 (citing Dkt. 1, ¶¶ 2, 22, 26)) and,
for the purposes of this Motion, the Court draws this inference in Plaintiff’s favor.

1 C. nominal and compensatory damages to Plaintiff including for “the lost opportunity to
2 attend, listen, conduct interviews, cover, and publish an article.”

3 Dkt. 1 at Request for Relief.

4 On December 12, 2025, Defendants moved to dismiss. Dkt. 11. The Motion was fully
5 briefed on December 31, 2025, and the matter came on for hearing on February 24, 2026. *See*
6 Dkts. 13, 15, 27. All parties have consented to magistrate-judge jurisdiction. Dkts. 12, 16.

7 **II. LEGAL STANDARD**

8 **A. Eleventh Amendment Immunity**

9 The Eleventh Amendment provides that the “Judicial power of the United States shall not
10 be construed to extend to any suit in law or equity, commenced or prosecuted against one of the
11 United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” U.S.
12 Const. amend XI. “Though its precise terms bar only federal jurisdiction over suits brought
13 against one State by citizens of another State or foreign state,” courts have “long recognized” that
14 the Eleventh Amendment also bars suits brought against a State by its own citizens, under
15 principles of sovereign immunity.” *Coll. Sav. Bank v. Fla. Prepaid Postsecondary Educ. Expense*
16 *Bd.*, 527 U.S. 666, 669-70 (1999) (“This has been our understanding of the Amendment since the
17 landmark case of *Hans v. Louisiana*, 134 U.S. 1 [] (1890).”). A Plaintiff can “sue[] a state official
18 alleging a violation of federal law, [and] the federal court may award an injunction that governs
19 the official’s future conduct,” under *Ex parte Young*. *See Pennhurst State Sch. & Hosp. v.*
20 *Halderman*, 465 U.S. 89, 102 (1984) (citing, *inter alia*, *Ex parte Young*, 209 U.S. 123 (1908)).
21 However, a state itself and “agencies of the state are immune from private damage actions or suits
22 for injunctive relief brought in federal court.” *In re Lazar*, 237 F.3d 967, 975 (9th Cir. 2001).

23 **B. Rule 12(b)(1) – Subject Matter Jurisdiction**

24 “A motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) tests whether
25 the court has subject matter jurisdiction.” *Williams v. Apple, Inc.*, 449 F. Supp. 3d 892, 900 (N.D.
26 Cal. 2020). “[L]ack of Article III standing requires dismissal for want of subject matter
27 jurisdiction under Rule 12(b)(1).” *Id.* “A Rule 12(b)(1) jurisdictional attack may be facial or
28 factual.” *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In a “facial”

1 12(b)(1) challenge, as is presented here, the Court assumes a plaintiff’s factual allegations to be
 2 true and draws all reasonable inferences in plaintiff’s favor. *Oracle Corp. v. ORG Structure*
 3 *Innovations LLC*, No. 11-cv-3549 SBA, 2012 WL 12951187, at *3 (N.D. Cal. Mar. 30, 2012)
 4 (citing *Doe v. See*, 557 F.3d 1066, 1073 (9th Cir. 2009)).

5 **C. Rule 12(b)(6) – Failure to State a Claim**

6 Federal Rule of Civil Procedure 12(b)(6) authorizes a district court to dismiss a complaint
 7 if it fails to state a claim upon which relief can be granted. In ruling on a motion to dismiss, a
 8 court may consider only “the complaint, materials incorporated into the complaint by reference,
 9 and matters of which the court may take judicial notice.” *Metzler Inv. GmbH v. Corinthian Colls.,*
 10 *Inc.*, 540 F.3d 1049, 1061 (9th Cir. 2008). Courts generally “accept factual allegations in the
 11 complaint as true and construe the pleadings in the light most favorable to the nonmoving party.”
 12 *Manzarek*, 519 F.3d at 1031. However, a court is not “required to accept as true allegations that
 13 are merely conclusory, unwarranted deductions of fact, or unreasonable inferences.” *In re Gilead*
 14 *Scis. Sec. Litig.*, 536 F.3d 1049, 1055 (9th Cir. 2008).

15 **III. DISCUSSION**

16 Defendants bring several challenges to Plaintiff’s Complaint. Defendants argue: (1) that
 17 AUSD and FUHSD are arms of the State of California and thus immune from suit for damages
 18 under the Eleventh Amendment; (2) that Plaintiff lacks standing to bring this suit; and (3) that
 19 “Plaintiff has also failed to plead facts supporting a prima facie case of any First Amendment
 20 violation.” Dkt. 11.

21 The Court “begin[s]—and end[s]—[its] analysis on the first two grounds.” *Stockton v.*
 22 *Brown*, 152 F.4th 1124, 1135 (9th Cir. 2025). Because the Court concludes that Plaintiff’s claim
 23 is barred based on Eleventh Amendment³ and Article III standing grounds, it cannot reach the
 24 merits of the Plaintiff’s constitutional challenge. *Id.*

25 ///

26 _____
 27 ³ Although a “federal court generally may not rule on the merits of a case without first determining
 28 that it has jurisdiction over the category of claim in suit (subject-matter jurisdiction)...[, it] has
 leeway to choose among threshold grounds for denying audience to a case on the merits.”
Sinochem Int’l Co. v. Malaysia Int’l Shipping Corp., 549 U.S. 422, 430-31 (2007).

1 **A. The Eleventh Amendment Forecloses Plaintiff’s Claims for Damages**

2 The Ninth Circuit has affirmed that, as organized under California law, school districts are
3 “arm[s] of the State partaking of the State’s Eleventh Amendment immunity.” *Sato v. Orange*
4 *Cnty. Dep’t of Educ.*, 861 F.3d 923, 928 (9th Cir. 2017). Defendants argue that, under the
5 Eleventh Amendment, “AUSD and FUHSD are, therefore, entitled to dismissal of Plaintiff’s sole
6 cause of action with prejudice insofar as Plaintiff seeks monetary damages.” Plaintiff does not
7 dispute that the School Districts are arms of the State and that compensatory damages are thus
8 unavailable against Defendants. *See* Dkt. 13 at 8-9. However, Plaintiff contends that “nominal
9 damages are available” under the Eleventh Amendment. *Id.* The Court disagrees. As explained
10 below, Plaintiff can neither recover damages from nor be awarded injunctive relief against an
11 agency of the state, unless the agency has waived its sovereign immunity.

12 “[U]nder the eleventh amendment, agencies of the state are immune from private damage
13 actions or suits for injunctive relief brought in federal court.” *In re Lazar*, 237 F.3d at 975
14 (emphasis added). As undisputed arms of the State of California, AUSD and FHUSD benefit from
15 such immunity. *E.g.*, *Collins v. San Francisco Unified Sch. Dist.*, No. 21-CV-02272-HSG, 2021
16 WL 3616775, at *2 (N.D. Cal. Aug. 16, 2021) (dismissing “all claims against SFUSD” under
17 Eleventh Amendment immunity); *Laird v. United Tchrs. Los Angeles*, 615 F. Supp. 3d 1171,
18 1181 (C.D. Cal. 2022), *aff’d*, No. 22-55780, 2023 WL 6970171 (9th Cir. Oct. 23, 2023)
19 (dismissing all claims against LAUSD on Eleventh Amendment grounds, as opposed to claims
20 against the Attorney General which were dismissed for lack of standing). However, “a State may
21 waive its sovereign immunity by consenting to suit.” *Coll. Sav. Bank*, 527 U.S. at 670.

22 As relevant here, sovereign immunity “may be forfeited where the state fails to assert it;
23 [it] may be viewed as an affirmative defense.” *In re Bliemeister*, 296 F.3d 858, 861 (9th Cir.
24 2002). “California may therefor[e] waive its Eleventh Amendment immunity on a case-by-case
25 basis.” *Katz v. Regents of the Univ. of California*, 229 F.3d 831, 834 (9th Cir. 2000). Indeed,
26 courts need not “raise the [Eleventh Amendment] defect on its own. Unless the State raises the
27 matter, a court can ignore it.” *Id.*

28 Defendants moved to dismiss the Complaint and sought sovereign immunity only “insofar

1 as Plaintiff seeks monetary damages.” Dkt. 11 at 10. Defendants also explicitly stated that
 2 “Sovereign Immunity does not prohibit Plaintiff from seeking prospective injunctive relief against
 3 Defendants.” *Id.* at 12. These statements are unequivocal and therefore the Court concludes that
 4 Defendants have waived their sovereign immunity insofar as it relates to injunctive relief. *See*
 5 Dkt. 11 at 10. This conclusion is further bolstered by Defendants’ submission of a reply that was
 6 silent as to total immunity despite the Parties’ argument over and examination of pertinent
 7 authorities such as *Sato*, *Collins* and *Mitchell*, (*see* Dkt. 15 at 4-5) and by not raising the issue at
 8 oral argument. *Cf. In re Bliemeister*, 296 F.3d at 862 (comparing two extremes, *Hill v. Blind*
 9 *Indus. & Servs.*, 179 F.3d 754, 760 (9th Cir. 1999), *amended by* 201 F.3d 1186 (9th Cir. 2000)
 10 (waiver) and *Mitchell v. Franchise Tax Bd.*, 209 F.3d 1111, 1115 (9th Cir.2000) (no waiver), and
 11 discussing various actions the State had taken in each case). Each of these actions suggest an
 12 intentional waiver – perhaps to test the primary argument that Plaintiff lacks standing to pursue its
 13 claim for injunctive relief (discussed by the Court in section III.B., below).

14 As to the issue of nominal damages (for which there has been no waiver), Plaintiff is
 15 incorrect as a matter of law. In the Ninth Circuit, nominal damages—like other damages—are
 16 barred by the Eleventh Amendment. *E.g., Laird*, 615 F. Supp. 3d at 1181 (rejecting the
 17 contentions that a plaintiff could “maintain his suit against the District to seek nominal damages,
 18 “[b]ecause sovereign immunity only applies to actual monetary payment sought from the state to
 19 provide actual compensation for measurable injuries.” (citing *Johnson v. Rancho Santiago Cmty.*
 20 *Coll. Dist.*, 623 F.3d 1011, 1022 (9th Cir. 2010) as “recogniz[ing] that, absent a waiver, sovereign
 21 immunity bars suits seeking nominal damages against a public school district.”)). Indeed,
 22 “nominal damages are a form of retrospective relief.” *Laird*, 615 F. Supp. 3d at 1182.

23 Accordingly, the Court **DISMISSES** Plaintiff’s claim **with prejudice** insofar as it seek
 24 monetary damages, whether compensatory, nominal or otherwise.

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B. Plaintiff Lacks Article III Standing to Pursue this Action

As to Plaintiff’s claim for injunctive relief, Defendants argue Plaintiff lacks standing to pursue the claim. Dkt. 11 at 10-14. Article III standing requires claimants satisfy three elements:

- (1) the plaintiff suffered an “injury in fact” that is concrete and particularized and actual or imminent, not conjectural or hypothetical;
- (2) the injury is fairly traceable to the challenged action of the defendant; and
- (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992). “The party invoking federal jurisdiction bears the burden of establishing these [standing] elements.” *Id.* at 561. Defendants challenge the first and third requirements for Article III standing. First, they argue that Plaintiff cannot show its injury is “concrete and particularized” because its “right to receive information” claim is too attenuated. Dkt. 11 at 10-12. Second, Defendants argue that Plaintiff’s harm cannot be redressed by the injunctive relief it seeks (and, as noted, its requests for damages are barred). *Id.* at 12-14. The Court addresses each of these requirements in turn.

1. Plaintiff’s Alleged Injury Under the Right to Receive Information Fails Because It Lacks a “Concrete, Specific Connection” to the Speaker

The Parties agree, and the Court concurs, “that freedom of speech ‘necessarily protects the right to receive’” “information and ideas.” *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 757 (1976); compare Dkt. 13 at 9-10 with Dkt. 15 at 6-7. However, unlike when a party asserts its own right to speak under the First Amendment, “[a] precondition of asserting this ‘right to receive,’ ... is the existence of a ‘willing speaker.’” *Pennsylvania Fam. Inst., Inc. v. Black*, 489 F.3d 156, 165 (3d Cir. 2007) (quoting *Virginia State Bd. of Pharmacy*, 425 U.S. at 756. Thus, as the courts of appeals have stated, “the right to receive speech is ‘entirely derivative’ of the rights of the speaker.” *Stockton v. Brown*, 152 F.4th 1124, 1147 (9th Cir. 2025) (quoting *Pennsylvania Fam. Inst.*, 489 F.3d at 165 (3d Cir.) and *In re Application of Dow Jones & Co., Inc.*, 842 F.2d 603, 608 (2d Cir. 1988)). Here, Plaintiff asserts an injury to its right to receive information from, *i.e.*, the “right to listen” to⁴, the speaker Mr.

⁴ The Supreme Court’s cases use the “right to receive information” and the “right to listen” interchangeably. Compare, *e.g.*, *Virginia State Bd. of Pharmacy*, 425 U.S. at [CONTINUED]

1 Ahmed. *See, generally*, Dkts. 1, 13.

2 The Court assumes *arguendo* that Mr. Ahmed was and is a willing speaker⁵ and addresses
3 Defendants’ principle challenge to Plaintiff’s claimed injury: Plaintiff is not the direct recipient of
4 Mr. Ahmed’s speech and is too far removed from the speech to claim a concrete injury. Dkt. 11 at
5 6, 10-12 (*e.g.*, “This suit is not brought by Mr. Ahmed [(the speaker)], nor is this suit brought by
6 students or staff who invited Mr. Ahmed [(the direct recipients of Mr. Ahmed’s speech)]. [JLN is]
7 a news organization that claims it planned to cover Mr. Ahmed’s three appearances and write an
8 article about Mr. Ahmed’s message and student reactions to that message.”). For the following
9 reasons, the Court agrees.

10 The right to receive information is always “entirely derivative” of the right of the speaker
11 to speak. *Stockton*, 152 F.4th at 1147. Accordingly, the Court agrees with Plaintiff that there is
12 nothing that would *categorically* bar a news organization, or any second-degree recipient, from
13 challenging the (alleged) censorship of speech. Rather, as the Supreme Court made clear in
14 *Murthy v. Missouri*, a “‘right to listen’ theory” may be viable “where the listener has a concrete,
15 specific connection to the speaker.” 603 U.S. 43, 75 (2024). In particular, *Murthy* cautioned
16 against permitting “plaintiffs [to] assert injuries” based merely on “an interest in reading and
17 engaging with content of other speakers on social media. ... Th[e] Court has ‘never accepted such
18 a boundless theory of standing.’” *Id.* at 74-75. Thus, Plaintiff must allege and identify a
19 “concrete, specific connection” to Mr. Ahmed. *Id.*

20 Two examples help guide the Court’s analysis. First, in *Kleindienst v. Mandel*, the
21 Supreme Court “agreed that a group of professors had a First Amendment interest in challenging
22 the visa denial of a person they had invited to speak at a conference.” *Id.* (characterizing
23 *Kleindienst v. Mandel*, 408 U.S. 753, 762 (1972)). Unlike in *Mandel*, however, Plaintiff did not

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25 756-57 (right to receive) and *Kleindienst v. Mandel*, 408 U.S. 753, 762 (1972) (same) with *Murthy*
26 *v. Missouri*, 603 U.S. 43, 74-76 (2024) (right to listen). This Court similarly uses the terms
interchangeably.

27 ⁵ There is a dispute, addressed briefly by the Parties, as to whether the “willing speaker”
28 requirement is satisfied. Although Mr. Ahmed was certainly “willing” when student groups
invited him to speak on campus, Defendants argue that he “is no longer available to speak”
because he is no longer in the region. Dkt. 15 at 7; *see also* Dkt. 13 at 10. The Court need not
resolve this dispute, because it finds that Plaintiff lacks standing regardless.

1 invite Mr. Ahmed – Plaintiff merely intended to report on the speech and, specifically,
2 “interview[] the students’ reactions to the speaker.” Dkt. 1, ¶ 21.

3 Of greater assistance to the Court is the Ninth Circuit’s recent decision in *Stockton v.*
4 *Brown*. 152 F.4th 1124 (9th Cir. 2025), *petition for certiorari docketed*, no. 25-606 (Nov. 24,
5 2025). There, the plaintiffs—several doctors, including Dr. Richard Eggleston, a non-profit
6 corporation Children’s Health Defense (“CHD”) and a Washington resident and podcaster John
7 Stockton—challenged the Washington Medical Commission’s 2021 “guidance policy suggesting
8 that the Commission would discipline physicians licensed in Washington who spread COVID-19
9 misinformation.” *Id.* at 1132-33. The primary speaker was Dr. Eggleston, a retired
10 ophthalmologist who was “an opinion writer for the *Lewiston Tribune*” and who wrote an editorial
11 “expounding on his views of the dangers of the COVID-19 vaccine and his belief that ivermectin
12 would soon be the standard of care for preventing and treating COVID-19.” *Id.* at 1133. Other
13 Plaintiffs asserted, *inter alia*, a First Amendment claim based on the “right to listen to views about
14 COVID-19 that fall outside the mainstream,” such as Dr. Eggleston’s. *Id.* at 1143.

15 The Ninth Circuit first affirmed the dismissal of the doctors’ (including Dr. Eggleston’s)
16 claims on *Younger* abstention grounds.⁶ *Id.* at 1135-42. “In light of [it]s conclusion regarding
17 *Younger* abstention, ... [the Ninth Circuit was] left with the question of whether Claim I as
18 asserted by the remaining Plaintiffs was constitutionally ripe.”⁷ *Id.* at 1143. The Ninth Circuit
19 examined, *inter alia*, the “right to listen” theory as it related to Mr. Stockton (the podcaster) and
20 found standing to be lacking. The Court explained, in relevant part:

21 [T]he record shows only that Stockton is an avid reader of Dr.
22 Eggleston’s work, has hosted Dr. Eggleston on his podcast, and

23 _____
24 ⁶ The *Younger* doctrine, named for *Younger v. Harris*, 401 U.S. 37, 91 (1971), requires courts to
25 abstain from exercising jurisdiction where doing so “would have the practical effect of enjoining”
26 state proceedings. *See Stockton*, 152 F.4th at 1135-38. In *Stockton*, there were “ongoing state
27 civil proceedings—the disciplinary proceedings against Dr. Siler, Dr. Eggleston, and the Doe
28 Doctors.” *Id.* at 1137-38.

⁷ In *Stockton*, the Ninth Circuit framed the inquiry as one of “constitutional ripeness.” *Id.* at 1142.
However, as the Court explained, “the constitutional component of ripeness is synonymous with
the injury-in-fact prong of the standing inquiry.” *Id.* The Court here casts the inquiry as one of
standing, because that is how the inquiry was framed by the Parties; nonetheless, “in this context,
the constitutional ripeness and standing inquiries” are the same. *Cf. id.* at n. 9.

1 helped to connect Dr. Eggleston with Robert F. Kennedy, Jr. and
 2 CHD to bring this case. Although this evidence shows that Stockton
 3 had some connection with Dr. Eggleston, this does not rise to the
 4 requisite level for a constitutional injury-in-fact. ... [T]here is no
 5 suggestion, for example, that Stockton wished to have Dr. Eggleston
 on his podcast again but was prevented from doing so due to the
 proceedings against Dr. Eggleston. On the continuum from *Murthy to*
Mandel, Stockton falls far closer to the insufficient showing in
Murthy.

6 *Id.* at 1146 (internal citations omitted).

7 Here, the Court finds Plaintiff’s allegations, even taken as true, similarly deficient. First,
 8 Plaintiff’s general interest, even if its mission is to “cover[] issues of antisemitism, free speech and
 9 educational policy,” (see Dkt. 1, ¶¶ 2, 9), is insufficient. An organization’s “interest in another’s
 10 speech” is not enough. *Stockton*, 152 F.4th at 1147-48 (rejecting this argument from CHD).

11 Second, Plaintiff’s allegation that it planned to “interview[] the students’ reactions to the speaker”
 12 is not enough, as the Court finds it analogous to the level of connection between Mr. Stockton and
 13 Dr. Eggleston. Plaintiff’s third allegation, which comes closest to the mark, is that it “sought to
 14 have its journalist attend, listen [and] write an article covering [Mr.] Ahmed’s speeches scheduled
 15 at Defendants’ schools.” Dkt. 1, ¶ 37; *cf. Stockton*, 152 F.4th at 1146 (suggesting that a showing
 16 “that Mr. Stockton wished to have Dr. Eggleston on his podcast again but was prevented from
 17 doing so” might have been enough). However, Plaintiff’s allegations as to its desire for its
 18 journalist to attend are entirely conclusory and speculative, particularly given that Defendants’
 19 public schools are limited public forums that allow access by third parties only with permission.
 20 Dkt. 11 at 13 (citing *DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ.*, 196 F. 3d 958 (9th Cir.
 21 1999) and Cal. Penal Code § 627 *et seq.*). Plaintiff makes no allegations that its journalist had
 22 actually sought or received such permission. *See* Dkt. 1.

23 Accordingly, “on the continuum from *Murthy to Mandel*” and taking the well-pleaded facts
 24 alleged by Plaintiff as true, the Court finds the Complaint deficient. Plaintiff has not alleged a
 25 sufficiently “concrete, specific connection to” Mr. Ahmed, as required to show an injury to its
 26 right to receive information. Indeed, Plaintiff’s theory of injury would seemingly give any person
 27 who wished to speak to anyone who wanted to listen to Mr. Ahmed’s speech standing. This Court
 28 heeds the Supreme Court’s and Ninth Circuit’s warning against such “startlingly broad” theories

1 of injury. *See Murthy*, 603 U.S. at 75; *Stockton*, 152 F.4th at 1146. Defendants’ Motion to
 2 Dismiss on this ground is **GRANTED**.

3 2. Plaintiff’s Injury, if Any, Is Not Redressable

4 Even assuming Plaintiff had alleged, or could allege, specific facts showing a concrete,
 5 specific connection to Mr. Ahmed, the Court agrees with Defendants that the injury as alleged is
 6 not redressable. *See* Dkt. 11 at 12-14.

7 As to damages, Defendants are immune from suit under the Eleventh Amendment. *See*,
 8 *supra*, § III.A. Accordingly, the Court cannot redress Plaintiff’s purported past injury of by way
 9 of compensation for, *e.g.*, lost value due to “the lost opportunity to attend, listen, conduct
 10 interviews, cover, and publish an article.” *Contra* Dkt. 1, Request for Relief C.

11 Plaintiff’s future-facing relief runs into a different problem. Plaintiff requests a
 12 declaration that the cancellations were unlawful and an injunction forcing Defendants to apply a
 13 viewpoint neutral speaker policy. *Id.*, Requests for Relief A-B. “To obtain forward-looking relief,
 14 the plaintiff[] must [allege] a substantial risk of *future* injury that is traceable to the Government
 15 defendants and likely to be redressed by an injunction against them.” *Murthy*, 603 U.S. at 69
 16 (emphasis added). Thus, to persuade the Court that its proposed injunction could redress the
 17 purported injury, Plaintiff would need to show “a real and immediate threat of repeated injury.”
 18 *Id.* at 44; *see also id.* at 59 (“If the plaintiffs were seeking compensatory relief, the traceability of
 19 their past injuries would be the whole ball game. But because the plaintiffs are seeking only
 20 forward-looking relief, the past injuries are relevant only for their predictive value.”).

21 Here, the allegations of the Complaint are insufficient. Plaintiff has not alleged, for
 22 example, that Mr. Ahmed is set to return to the Bay Area and intends to speak at the subject
 23 schools again. *See* Dkt. 1. Nor does Plaintiff allege that, if Mr. Ahmed were to be invited to
 24 speak again, that he would be prevented from doing so. *Id.* Indeed, at the hearing, Defendants
 25 explained their position that Mr. Ahmed’s particular speaking engagements were cancelled not
 26 because of the viewpoints he intended to express, but because the “issue” was deemed
 27 “controversial” and thus under the School District’s policy “needed to be presented in tandem with
 28 opposing viewpoints,” *i.e.*, with an opposing speaker to speak alongside Mr. Ahmed. Hearing re

1 Motion to Dismiss (Feb. 24, 2026); *see* Dkt. 27 (minute entry). While Defendants’ attack is
2 “facial” and not “factual,” this argument highlights the absence of any allegations in the
3 Complaint to suggest that Mr. Ahmed would be prevented from speaking in the future under
4 Defendants’ existing policies.

5 Simply put, Plaintiff’s forward-looking relief cannot redress its past (alleged) injury, and
6 Plaintiff does not make any allegations to support “a real and immediate threat of repeated injury”
7 so as to justify such relief. Accordingly, Defendants’ Motion to Dismiss is also **GRANTED** on
8 this ground.

9 **C. The Court Does Not Reach the Merits**

10 Plaintiff has not established standing to seek an injunction or declaratory relief against the
11 Defendants. The Court “therefore lack[s] jurisdiction to reach the merits of the dispute.” *Murthy*,
12 603 U.S. at 56. Thus, the Court does not address Defendants’ Rule 12(b)(6) argument.

13 **D. Amendment of the Complaint Would Be Futile**

14 Finally, the Court determines whether to grant leave to amend. Where a court finds that
15 dismissal is warranted, it should ordinarily “grant leave to amend even if no request to amend the
16 pleading was made, unless it determines that the pleading could not possibly be cured by the
17 allegation of other facts.” *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc).

18 Defendants are entitled to immunity as to Plaintiff’s claim insofar as it seeks damages.
19 Accordingly, any attempt to amend with regard to damages would be futile. As for forward-
20 looking relief, the Court dismisses the claim for lack of standing on two grounds – lack of a
21 “concrete and particularized” injury and failure to show redressability. On the first ground, the
22 Court finds that any attempt to amend would be futile. Plaintiff’s general interest and student-
23 reaction allegations are legally insufficient under *Stockton*. *See, supra*, § III.B.1. Any allegation
24 that Plaintiff’s journalist would in fact have attended and reported on Mr. Ahmed’s speeches is too
25 speculative given the limited-access nature of public schools and the entirely hypothetical nature
26 of whether Plaintiff’s journalist would have received permission. On the second ground, the Court
27 is similarly convinced that it would be futile for Plaintiff to attempt to allege a “real and
28 immediate threat of repeated injury” with regard to a future speech by Mr. Ahmed. As Mr.

1 Ahmed travels and lives abroad, any attempt to do so would be too speculative and hypothetical
2 survive. Accordingly, because the Court finds that Plaintiff's allegations as to redressability
3 cannot be cured, the Court **denies leave to amend.**

4 **IV. CONCLUSION**

5 For the foregoing reasons, Defendants' Motion to Dismiss is **GRANTED** and the
6 Complaint is **DISMISSED without leave to amend.**

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8 **SO ORDERED.**

9 Dated: March 3, 2026

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13 SUSAN VAN KEULEN
14 United States Magistrate Judge
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