

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 03-4433  
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FORUM FOR ACADEMIC AND INSTITUTIONAL RIGHTS, a New Jersey membership corporation; SOCIETY OF AMERICAN LAW TEACHERS, INC., a New York corporation; COALITION FOR EQUALITY, a Massachusetts association; RUTGERS GAY AND LESBIAN CAUCUS, a New Jersey association; PAM NICKISHER, a New Jersey resident; LESLIE FISCHER, a Pennsylvania resident; MICHAEL BLAUSCHILD, a New Jersey resident; ERWIN CHEMERINSKY, a California resident, SYLVIA LAW, a New York resident,

Appellants

v.

DONALD H. RUMSFELD, in his capacity as U.S. Secretary of Defense; ROD PAIGE, in his capacity as U.S. Secretary of Education; ELAINE CHAO, in her capacity as U.S. Secretary of Labor; TOMMY THOMPSON, in his capacity as U.S. Secretary of Health and Human Services; NORMAN Y. MINETA, in his capacity as U.S. Secretary of Transportation; TOM RIDGE, in his capacity as U.S. Secretary of Homeland Security

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. No. 03-cv-04433)  
District Judge: Honorable John C. Lifland  
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BEFORE: AMBRO, ALDISERT and STAPLETON, Circuit Judges.

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Argued on June 30, 2004  
Decided November 29, 2004  
On Remand from the Supreme Court of the United States May 2, 2005  
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In light of the decision of the United States Supreme Court in Rumsfeld v. Forum for Academic and Institutional Rights, Inc., et al., 126 S.Ct. 1297 (March 6, 2006), it is ORDERED that the judgment of the District Court be and is hereby AFFIRMED.

Appellants to pay costs.

**BY THE COURT**

**/s/ Ruggero J. Aldisert**  
**Circuit Judge**

**Dated:** May 9, 2006

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