

626 Fed.Appx. 200 (Mem)

This case was not selected for publication in West's  
Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally  
governing citation of judicial decisions issued on or  
after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir.

Rule 36-3.

United States Court of Appeals,  
Ninth Circuit.

NATIONAL ASSOCIATION FOR the  
ADVANCEMENT OF COLORED PEOPLE,  
Maricopa County Branch and National Asian  
Pacific American Women's Forum,  
Plaintiffs–Appellants,

v.

Tom HORNE, Attorney General of Arizona, in his  
official capacity; et al., Defendants–Appellees.

No. 13–17247.

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Argued and Submitted Dec. 9, 2015.

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Filed Dec. 15, 2015.

#### Attorneys and Law Firms

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Union Foundation, \*201 New York, N.Y., Daniel J.  
Pochoda, ACLU of Arizona, Phoenix, AZ, for  
Plaintiff–Appellant.

Robert Lawrence Ellman, Esq., Solicitor, David Daniel  
Weinzweig, Senior Litigation Counsel, for  
Defendant–Appellee.

Appeal from the United States District Court for the  
District of Arizona, David G. Campbell, District Judge,  
Presiding. D.C. No. 2:13–cv–01079–DGC.

Before: CLIFTON and OWENS, Circuit Judges and  
SMITH,\* Chief District Judge.

#### MEMORANDUM\*\*

Plaintiffs National Association for the Advancement of  
Colored People, Maricopa County Branch, and National  
Asian Pacific American Women's Forum appeal the  
district court's dismissal of their action challenging, under  
the Fourteenth Amendment, the Susan B. Anthony and  
Frederick Douglass Prenatal Nondiscrimination Act of  
2011, codified at sections 13–3603.02 and 36–2157 of  
Arizona Revised Statutes. The district court concluded  
that Plaintiffs' alleged injury—the stigmatizing effect of  
the statutes on Plaintiffs' members—was insufficient to  
support standing and accordingly granted Defendants'  
motion to dismiss. We affirm.

Under *Allen v. Wright*, 468 U.S. 737, 104 S.Ct. 3315, 82  
L.Ed.2d 556 (1984), the “stigmatizing injury often caused  
by racial discrimination” is a sufficient basis for standing  
“only to ‘those persons who are personally denied equal  
treatment’ by the challenged discriminatory conduct.” *Id.*  
at 755, 104 S.Ct. 3315 (quoting *Heckler v. Mathews*, 465  
U.S. 728, 739–40, 104 S.Ct. 1387, 79 L.Ed.2d 646  
(1984)). Plaintiffs have not alleged that their members  
were personally denied equal treatment under *Allen*, as  
stigmatic injury caused by being a target of official  
discrimination is not itself a personal denial of equal  
treatment. See 468 U.S. at 755, 104 S.Ct. 3315.

Plaintiffs purport to present an alternate basis for standing  
resulting from being “the targets of ... discriminatory  
intent.” That theory is a mere repetition of Plaintiffs'  
stigmatic injury, which does not support standing.

**AFFIRMED.**

#### All Citations

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#### Footnotes

\* The Honorable William E. Smith, Chief District Judge for the U.S. District Court for the District of Rhode Island, sitting  
by designation.

\*\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36–3.

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