

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

B.V., Individually and as Guardian  
Ad Litem of J-C.V., an  
incompetent minor,

*Plaintiff-Appellant,*

v.

EDUCATION DEPARTMENT OF THE  
STATE OF HAWAII,

*Defendant-Appellee.*

No. 06-15157

D.C. No.

CV 05-0116 JMS

ORDER

Appeal from the United States District Court  
for the District of Hawaii  
J. Michael Seabright, District Judge, Presiding

Argued and Submitted  
November 5, 2007—Honolulu, Hawaii

Filed February 12, 2008

Before: Diarmuid F. O'Scannlain, A. Wallace Tashima, and  
Milan D. Smith, Jr., Circuit Judges.

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**COUNSEL**

Carl M. Varady, Honolulu, Hawaii, for the plaintiff-appellant.

Aaron H. Schulaner, Deputy Attorney General, Honolulu,  
Hawaii, for the defendant-appellee.

**ORDER**

We affirm the judgment of the district court for the reasons set forth in its *Order Denying Plaintiff's Motion to Reverse Hearing Officer's Decision and Order*,<sup>1</sup> and reported as *B.V. v. Department of Education, State of Hawaii*, 451 F. Supp. 2d 1113 (D. Haw. 2005).

**AFFIRMED.**

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<sup>1</sup>We do not reach the question of whether the Department of Education committed any procedural violations because we agree with the district court that, even if it did, such procedural violations did not prejudice any of plaintiff's rights. *See* 451 F. Supp. 2d at 1131-32.



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