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Plaintiff-Appellant

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2\$' '\$. (4 -. 8E; * .

Defendants-Respondents.

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/?< M8@89@<KP F= ' <JJ \$EKILJ@M< CK<IE8K@M<J KF
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GGC@; :8E FEJK@KLK< 0:<JJ@M< ! FI:<

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A. D. v. State of Cal. Highway Patrol

 ! ; K? @|

Alexander v. Cnty. of Los Angeles

 ! ; K? @|

Arpin v. Santa Clara Valley Transp. Agency

 ! ; K? @|

Ashcroft v. al-Kidd

 O .

Atwater v. City of Lago Vista

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Baldwin v. Placer Cnty.

 ! ; K? @|

Barnard v. Theobald

 ! ; K? @|

Beier v. City of Lewiston

 ! ; K? @|

Bell v. Wolfish

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Bennett v. City of Easpointe

 ! ; K? @|

Bias v. Moynihan

 ! ; K? @|

Blanford v. Sacramento Cnty.

 ! ; K? @|

Blankenhorn v. City of Orange

 ! ; K? @|

Bragg v. Valdez

 8C GG K?

Brosseau v. Haugen

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Bryan v. MacPherson

 ! ; K? @

C.F. ex rel. Farnan v. Capistrano Unified Sch. Dist.

 ! ; K? @

Caballero v. City of Concord

 ! ; K? @

Casey v. City of Fed. Heights

 ! ; K? @

City & Cnty. of San Francisco v. Sheehan

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Davis v. United States

 ! ; K? @

Deorle v. Rutherford

 ! ; K? @

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Dist. of Columbia v. Wesby

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Drummond v. City of Anaheim

 ! ; K? @

Eberle v. City of Anaheim

 ! ; K? @

Edson v. City of Anaheim

 8C GG K?

Espinoza v. City & Cnty. of San Francisco

 ! ; K? @

Estate of Lopez v. Gelhaus

 ! ; K? @

Ferguson v. Hall

 ! . LGG ; (@. ?

Fisher v. City of Las Cruces

 ! ; K? @

Fogarty v. Gallegos

! ; K? @

Forrester v. City of San Diego

! ; K? @

George v. Morris

! ; K? @

Glenn v. Washington Cnty.

! ; K? @ *passim*

Graham v. Connor

O *passim*

Gravelet-Blondin v. Shelton

! ; K? @

Green v. City & Cnty. of San Francisco

! ; K? @

Gregory v. Cnty. of Maui

! ; K? @

Griego v. Cnty. of Maui

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Groh v. Ramirez

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Guite v. Wright

! ; K? @

Gutierrez v. City of San Antonio

! ; K? @

Hansen v. Black

! ; K? @

Hayes v. Cnty. of San Diego

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Heater v. Southwood Psychiatric Ctr.

8C GG K?

Holland ex rel. Overdorff v. Harrington

! ; K? @

Hope v. Pelzer

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Hudson v. McMillan

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Hughes v. Kisela

! ; K? @

Hughes v. Kisela

! ; K? @

Hughes v. Kisela

O. GG ' 3\$. K? @

Hunter v. Bryant

O.

Johnson v. Bay Area Rapid Transit Dist.

! ; K? @

Kingsland v. City of Miami

! ; K? @

Kingsley v. Hendrickson

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Kopec v. Tate

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Kostrzewa v. Troy

! ; K? @

Lacey v. Maricopa Cnty.

! ; K? @

LaLonde v. Cnty. of Riverside

! ; K? @

Liston v. Cnty. of Riverside

! ; K? @

Littrell v. Franklin

 ! ; K? @

Lolli v. Cnty. of Orange

 ! ; K? @

Longoria v. Pinal Cnty.

 ! ; K? @

Lowry v. City of San Diego

 ! ; K? @

Maag v. Wessler

 ! ; K? @

Mackinney v. Nielsen

 ! ; K? @

Malley v. Briggs

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Marquez v. City of Phoenix

 ! ; K? @

Mattos v. Agarano

 ! ; K? @

McDowell v. Rogers

 ! ; K? @

Meredith v. Erath

 ! ; K? @

..... *passim*

Missouri v. McNeely

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Monroe v. Pape

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Moreno v. Baca

 ! ; K? @

Morris v. Noe

 ! ; K? @

Mullenix v. Luna

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Nelson v. City of Davis

 ! ; K? @

Nichols v. City of San Jose

 O . @JK ' 3\$.) 8C

Oliveira v. Mayer

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Palmer v. Sanderson

 ! ; K? @

Parsons v. City of Pontiac

 ! ; K? @

Pearson v. Callahan

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People v. Quiroga

 8C GG K?

Perea v. Baca

 ! ; K? @

Pierce v. Smith

 ! ; K? @

Pritzker v. City of Hudson

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Ramirez v. City of Buena Park

 ! ; K? @

Reichle v. Howards

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Robins v. Harum

 ! ; K? @

Robinson v. Solano Cnty.

 ! ; K? @

S.B., a minor v. Cnty. of San Diego

 ! ; K? @

Santos v. Gates

 ! ; K? @

United States v. Johnson

! ; K? @

United States v. Mattarolo

! ; K? @

United States v. Ramirez

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8C " FMXK F; < R

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I8N=FI; (8>@JKI8K< %L; >< +I<J@, @E> 9P FEJ<EK /?< @JKI@:K FLIK
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8E; O . R FEJ<EK KF 8 (8>@JKI8K< %L; >< N8J <EK<I<;
GLIJL8EK KF O . R : 8E; ! - + ILC<

/?< %L; >D<EK =FCCFN<; 8 >I8EK F= . LDD8IP %L; >D<EK FE
-<JGFE; <EKJX DFK@FE <EK<I<; FE *:KF9<I Y !<; - @M + ILC<
- - Z

Y /?< ILC@E> N8J GL9C@J?<; 8K *Strem v. Cnty. of San Diego* 2'
8C *:K J<< O:<IGK F= -<:FI; V -V 8K
/?< FLIK ; <:C@E<; KF :FEK@EL< KF <O<I:@< JLGGC<D<EK8C ALI@J; @:K@FE
FM<I K?< JFC< JK8K< C8N :C8@D 8E; ; @JD@JJ<; @K N@K?FLK GI<AL; @:< -
S <:8LJ< I<M@N @J ; < EFMF K?< @JKI@:K FLIKXJ ; <:J@FE N@C EFK
9< 8E8CPQ<;

Z - @JK?< C<IBJ -<:FI; - @JK?< O:<IGK F= -<:FI; /?< @J EF
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K?< . LDD8IP %L; >D<EK (FK@FE

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N8J I<J@JK@E> <==FIKJ KF >F @EKF :LJKF; P * ECP N<8I@E> G8A8D8 9FKKFDJ
EF N<8GFE N8J GC8@ECP M@J@9C< FE FI 89FLK ?@J G<IJFE

- <JGFE; <EKJ 8JJ<IK<; K?8K @ @J 8 EFM<C LEK<JK<; C<>8C :FE: <GK =FI
<GLKP . ?<I@=J KF <E>8>< @E K?@J :FE; L:K

/?@J 8GG<8C GI<J<EKJ I<C8K<; @JL<J

! @IJK N?<K?<I - <JGFE; <EKJX :FE; L:K N8J 8:K@FE89C< LE; <I K?<

! FLIK? D<E; D<EK K?< U=@IJK GIFE>V F= K?< HL8C@@@; @DDLE@KP

8E8CPJ@J

. <:FE; N?<K?<I 8J K?< @JKI@.K FLIK ILC<; K?< C8N N8J EFK U:C<8ICP
<JK89C@J?<; V K?< WJ<:FE; GIFE>V F= K?< HL8C@@@; @DDLE@KP 8E8CPJ@J [

/?@I; N?<K?<I ;@JGLK<; @JL<J F= D8K<I@8C =8:K I<D8@E<; KF 9<

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\$E K?@J :8J< , L8C@@@; \$DDLE@KP N8J @J EFK N8I18EK<; 9<:8LJ<

KP



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. 8E @<>F 8C " FMK F; < R R - /?< :C8@D N8J
<E@<; R

/?< FDGC8@EK N8J =@<; FE . <GK<D9<I - -
- <JGFE; <EKJ 8EJN<I<; FE * :KF9<I - - . :?<; LC@E>
* I; <I N8J @JL<; FE ! <9IL8IP 8E; 8D<E; <; FE GI@<

-
FEJ<EK KF 8 (8>@JKI8K< %L; >< N8J =@<; FE) FM<D9<I -
- AF@EK DFK@FE KF ; @JD@JJ K?< 8II<JK 98J<; :C8@DJ N@K?

GI<AL; @< N8J >I8EK<; FE ! <9IL8IP - -
! FCCFN@E> K?< ; <: @J@FE @E *White v. Pauly* K

- <JGFE; <EKU : FLEJ<C @E; @: 8K<; ?@J @EK<EK KF =@< 8 . LDD8IP %L; >D<EK
(FK@FE =K<I =LIK?<I ; @J: LJJ@FE : FLEJ<C 898E; FE<; K?@J @EK<EK _
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- /I@8C N8J J: ?<; LC<; KF : FDD<E:< FE (8P -

/?< G8IK@<J =@<; DFK@FEJ @E C@D@E< N@K@E<JJ 8E; <0?@9@K C@JKJ GIFGFJ<;
MF@I ; @I< 8E; GIFGFJ<; ALIP @EJKIL:K@FEJ -

_ \$K N8J 8>I<<; LGFE 9P 8EFK?<I 8KKFIE<P N?F ?8; K<DGF18I@P
8JJLD<; I<JGFEJ@9@K@P =FI K?< - <JGFE; <EKJ K?8K K?< G8IK@<J NFLC;
<FEJ<EK KF 8 (8>@JKI8K< %L; >< =FI KI@8C GG<CC8EK NFLC; ; @JD@JJ ?@J
8II<JK 98J<; :C8@DJ 8E; - <JGFE; <EKJ NFLC; =FI<>F K?< =@<@E> F= 8
(FK@FE =FI . LDD8IP %L; >D<EK N?@. ? N8J ; L< 9P <: <D9<I
- -

* E (8P K?< @JKI@.K FLIK JL8 JGF EK< @JL<; 8E FI; <I
; @I<:K@E> 9I@<=@E> 9P N8P F= 8 JLDD8IP AL; >D<EK DFK@FE FE HL8C@-@<;
@DDLE@KP @E C@>?K F= *S.B., a minor v. Cnty. of San Diego* ! ;
K? @I \$K M8:8K<; K?< KI@8C ; 8K< N?@. ? N8J FECP ; 8PJ 8N8P
- - /?< @JKI@.K FLIK ; @, EFK 8; ; I<JJ FI I<@EJK8K< K?<

JPE; IFD< KFIK@ FCC@J F= K?< E<: B 8E; 8KI@8C =@9I@C8K@FE 8E; 8 EFK@ <89C<
@DGC8EK<; G8:<D8B<I ; <=@9I@C8KFI V . KI<D <: =E 0?@9@K

?@J E8D< @J /@DFK?P . KI<D /?<P ?8M< 8EFK?<I G<IJFE FE
C8E; C@E< N@K? K?< JL9A<:K KIP@E> KF :8CD ?@D ; FNE #< ?8JE K K8B<E 8EP
G@CJ 8K K?@J K@D< K?<P I< 8; M@J@E> ?< JKFGG<; D8B@E> K?I<8KJ 8E; @J
CP@E> ; FNE V 0?@9@K :) FK?@E> N8J J8@, 89FLK 8 >LE FE: LII<EKCP
<EKI@<J N<I< D8; < @EKF 8 GF@: < :FDGLK<I JPJK<D N?@: ? 2@C@J

:8I /?<P :8CC<; FLK 8E; BEF:B<; FE K?< FLK<I J:I<<E ; FFI . @E:<
 . /- (N8J FE K?< K<C<G?FE< N@K? K?< ; F:KFI 8J ; @JG8K:? BE<N ?< ; @;
 EFK @DD<; @8K<CP I<JGFE; . KI<D <: 2@C@J <GF
 - <JGFE; <EKJ 8JB<; (I LI8E KF :8CC ?@D 9LK K?< :8CCJ
 N<EK KF MF@.<D8@ LI8E <: =E
 =K<I 89FLK D@ELK<J 8K - <JGFE; <EKJ :FEK8:K<; @JG8K:?
 8E; 8JB<; K?8K K?<P :8CC K?< ; F:KFI XJ F==@.< KF ?8M< . /- (:FD< KF K?<
 ; FFI 0?@9@K : 0?@9@KJ /?<P E<M<I 8JB<; @JG8K:? KF
 ; <K<I D@E< N?8K KPG< F= ; F:KFI XJ F==@.< N8J :8CC@E> GF; @8KI@JK FI
 GJP:?@8KI@JK FI KF 8JB K?< F==@.< =FI JG<: @-@ ?<8CK? @E=FI D8K@FE
 2?@< K?<P N8@<; (P<IJ JGFB< KF LI8E 8>8@E N?F J8@, . /- (J<<D<; * & K?< G8JK =<N ; 8PJ LI8E <: I8@> 8CJF KFC;
 (P<IJ K?8K . /- (?8J 8 >LE 9LK N8J @E:8G89C< F= ?FC; @E> @K LI8E
 <:
 @JG8K:? :8CC<; 98:B 8E; JGFB< KF /@=8EP 8JB@E> @- J?< N8J JK@C FE
 K?< G?FE< N@K? ?@D /@=8EP I<C8K<; K?8K K?< ; F:KFI ALJK ?LE> LG
 N@K? ?@D ?< J8@, 8EFK?<I ; F:KFI XJ F==@.< ?< ?LE> LG FE ?@D 9<:8LJ<
 8EFK?<I ; F:KFI XJ F==@.< N8J :8CC@E> 4<8? ?<XJ K?<I< ?< JFLE; J
 D8E@: 4<8? ?< ; F<JEXK JFLE; ?<XJ EFK EFID8C) FK EFID8C =FI ?@D
 K?8K ?< ; @, J8P ?< ?8; ?@J >LE FLK <DG?8J@J 8; ; <; 8E;
 ?< J8@, ?< N8J K?I<8K<E@E> KF K8B< G@CJ 8E; J?FFK ?@DJ<C= 8E; ?8; 8
 >LE 0?@9@K 9

- <JGFE; <EK 8JB<; ?@D @ ?< FNE<; 8 >LE FI N8J 8ID<; #< N8J KFC; KF
; IFG K?< G?FE< 8E; ?< KFJJ<; @K @E I8@>UJ ; @I<:K@FE . KI<D <:

- <JGFE; <EKJ @DD<; @8K<CP DFM<; @E KF ?8E; :L== ?@D . /- (KI@<; KF
K<CC K?<D F= ?@J J?FLC; <I @EALI@<J 8E; ?<8IK :FE; @K@FE 9LK K?<P @>EFI<;
?@D #< N8J :<8I ?< N8J N@CC@E> KF 9< ?8E; :L==<; 8E; >F N@K? K?<D
9LK EFK @E G8@E . KI<D <GF . KI<D <:

LI8E <:

\$ GLK DP ?8E; J @E =IFEK F= D< E; \$ 8JB<; K?<D 8E PFL
GLK K?<D C@B< K?@J @E =IFEK F= D<

2<CC K?<P 8GG8I<EKCP K?<P KFFB K?< :L==J FLK 9<:8LJ< \$
BE<N K?8K K?<P N<I< N?8K K?<P N8EK<; KF ; F N8J GLK K?<D
9<?@E; DP 98:B @J N?8K K?<P N8EK<; KF ; F \$ J8@; (P
J?FLC; <IJ ; FE K DFM< C@B< K?8K /?< =@IJK K?@E> \$ KFC; K?<D
@E =8:K 8=K<I \$ N8CB<; FLKJ@; < 8E; \$ J8@; 2?8K 8I< PFL
; F@E> ?<I< \$ J8@; \$?8M< 8 ; <=@9I@CC8KFI 8E; 8 G8:<D8B<I
I@>K ?<I< 8E; \$ M< ?8; FG<E ?<8IK JLI><IP . F G<8J< ; F EFK
GLK K?< :L==J 9<?@E; DP 98:B 9<:8LJ< DP J?FLC; <IJ ; F EFK
DFM< C@B< K?8K

. KI<D <GF . KI<D <:

(P<IJ I<D<D9<IJ . /- (8CJF K8CB@E> 89FLK :FL>?@E> LG 9CFF; (P<IJ
<GF

/?<P @DD<; @8K<CP <DGCFF<; 8 =FI: <=LC K8B<; FNE D8E<LM<I 8E;
GLCC<; ?@D KF K?< >IFLE; N?<I< 2@CC@J =<CC FE KFG F= ?@D 0?@9@K 8
2@CC@J ALJK UN8EK<; KF ><K K?@J FM<I N@K? V 0?@9@K 8

. /- (;@; EFK KIP KF ILE 8N8P (P<IJ <GF

::FI; @E> KF . /- (K?<I< N<I< EF N8IE@E>J U\$K ?8GG<E<; I<8C

2@0@ ?8J 9<<E 8 . ?<I@=U <GLKP J@E:< GI@ 2@0@ <GF 8K
#< ?8; 8KK<E; <; 8 FE< ; 8P + - /YZ :C8JJ 8K K?< 8: 8; <DP #<
<JK@D8K<; . /- (N8J GIF989CP @E ?@ J FI J JKFF; 89FLK
8E; N<@>?<; 89FLK GFLE; J 2@0@ @ P<8IJ FC; 8E; N<@>?J
EFK :FLEK@E> ?@ S GFLE; J F= <HL@GD<EK #< KI@J KF I<>LC8ICP
<0<I:@< 8E; @K N<@>?KJ 2@0@ <GF
2@0@ F9J<IM<; . /- (N8J J?@IK<JJ 8E; EFK ?FC; @E> 8 >LE 9LK
I8K?<I 8 K<@<G?FE< 2@0@ <GF #< KFC; \$EK<IE8C =8@J
?< ; @; EFK J<< 8 >LE @E ?@ N8@JK98E; #< E<M<I J8@; NIFK< FI K<JK@<;
?< J8N 8EP JFIK F= JLJG@: @FLJ 9L@>< JL>><JK@E> ?< ?8; 8 N<8GFE ?@ ; <E
LE; <I ?@ J?FIKJ FI G8EKJ FI N?8K<M<I V 0?@9@

9<:8LJ< JFD<FE< ?8J 8 >LE @J EFK 8E 8LK?FI@Q8K@FE KF LJ< =FI:< (P<IJ
 <GF S (P<IJ N?F @J 8E; N<@>?J GFLE; J GCLJ
 GFLE; J F= <HL@GD<EK 8JJ@JK<; 2@l@J (P<IJ <GF S
 (P<IJ K<JK@=<; 9<:8LJ< F= ?@J M8EK8>> GF@EK ?< :FLC; EFK J<< @
 . /- (?8; 8EP N<8GFE FE ?@J G<IJFE 9LK ; @; J<< ?< N8J ?FC; @E> 8
 G?FE< 8E; 8 E8GB@EY[- <JGFE; <EKJ JK8IK<; N8CB@E> KFN8I; J . /- (
 N?F D8; < EF 8KK<DGK KF ILE 8N8P (P<IJ <GF . /- (
 N<EK ; FNE FE ?@J 98:B 8E; 2@l@J =<CC ; FNE FE KFG F= ?@D B@E; F= FE
 ?@J J@; < . KI<D <GF (P<IJ N8J 8JB<; @- ?< >FK GLCC<;
 ; FNE KF K?< >IFLE; 8CJF FI ; @; ?< C<K >F 8E; 8EJN<I<; C@KK< 9@K F=
 9FK? (P<IJ <GF 0?@9@K 8 #< UGLCC<; V
 . /- (XJ ?8E; J 9<?@E; ?@J 98:B 0?@9@K 8 @D B@E ; FNE M. Ha30

EFE:FDG0@8E:< FI <M<E @E K?< K<OK F= K?< :8CC JFD<K?@E> K?8K JK8K<J K?8K

U8>#K8K<; V 8E; K?8K ?< ?8; 9<<E G08:<; @E ?8E; :L==J =FI KI8EJGFIK /?<P
; <J: I@9<; UKI8LD8K@: J@>EJ F= C<=K <C9FN 89I8J@FEJ 8E; 8 KI8LD8K@:

@EALIP KF K?< C<=K >I<8K KF< @E:CL; @E> 89I8J@FEJ 0?@9#

JB<; @ N?#< ?8E; :L==@E> . /- (?< ?<8I; ?@D :IP FLK @E G8@E
2#C@J J8@; \$?<8I; ?@D J:I<8D@E> 8E; :LJJ@E> 8K LJ K?< N?FC< K@D< \$
; FE K I<: 8CC ?@D :IP@E> FLK @E G8@E #< D8P ?8M< J8@; JFD<K?@E> K?8K
?@J J?FLC<; <I ?8; GFGG<; FLK F= #J JF:B<K FI JFD<K?@E> C@B< K?8K 2#C@J
<GF 0?@9# 8 \$E K?< I8; @F 9IF8; :8JK 0?@9#

Y] PFL :8E ?<8I . /- (:IP@E> FLK @E G8@E @E K?< 98:B>IFLE;

) FKN#?JK8E; @E> K?< 8KK<DGK<; @EK<IM<EK@FE F= I ILEJK N?F N8J
C@JK<E@E> FE 8E FG<E G?FE< C@E< 0?@9# LI8E <; S

2#C@J ; @<:K<; G8I8D<; @:J KF K8B< . /- (KF /I@ @KP #FJG#K8C 8E;
=FCCFN<; K?<D K?<I< 2#C@J <GF S /?<P 8II#M<; 8K 8D

+?FKF>I8G?J K8B<E K?<I< 9P 2#C@J J?FN . /- (N8J JK#C ?8E; :L==<;
9<?@E; ?@J 98:B 0?@9# . KI<D <; S . KI<D <GF

S

#< N8J <08D@E<; 9P ; F:KFIJ 8E; 8 +JP: ?FCF>@JK *E< 38E80 ?<CG<;
?@D #@J KI<8KD<EK @E:CL; <; 8 :I8E@8C / J:8E N?@.? N8J I<HL@<; ; L<
KF K?< =8:K K?8K ?< N8J 8 ?<8IK G8K@<EK N8J K8B@E> 9CFF; K?@EE<IJ 8E;
?8; <0G<I@E:<; 8 KI8LD8K@: <M<EK N?<I< ?< N8J K8B<E KF K?< >IFLE;
#< N8J KFC; ?< N8J 8K I@JB =FI @EKI8 :I8E@8C 9C<<; @E> . KI<D <:

S

Y] /?@J 0?@9# N#C 9< KI8EJD#K<; KF K?< FLIK LGFE I<HL<JK

2@l@j GI<G8I<; 8 R @EK8B< I<GFIK 8K 8GGIF0@D8K<CP 8E;
C<=K JFD<K@D< K?<I<8=K<I N?@. ? @J 8GGIF0@D8K<CP N?<E K?< ?8E; ;L==J
:8D< F= . /- (N8J ;@J:?8I><; 8IFLE; GD 0?@9@K . KI<D
<: S 2@l@j <GF S
. /- (@E:LII<; @E D<; @:8C 9@l@J =IFD /I@ @KP 8E;
=IFD K?< 1@JK8 ! @l< <G8IKD<EK . KI<D <: 0?@9@KJ S

/?< >I8EK F= 8 DFK@FE =FI JLDD8IP AL; >D<EK 8E; JG<: @-: 8CCP K?<
; <: @J@FE K?8K 8E F==@. <I @J <EK@K<; KF HL8C@-@; @DDLE@KP @J 8I< JL9A<:K
KF ; < EFMF I<M@<N *Glenn v. Washington Cnty.* ! ; K?
@l
U. M

DFJK =8MFI89C< KF K?8K G8IKP *Hughes v. Kisela* ! ; K?

@ *Liston v. Cnty. of Riverside* ! ; K? @

J8D< JK8E; 8I; 8GGC@<J @E 8E8CPQ@E> HL8C@-@; @DDLE@KP

+FC@.< F==@.<IJ 8I< <EK@K<; KF HL8C@-@; @DDLE@KP LE; <I R LEC<JJ

K?<P M@FC8K<; 8 =;<; <I8C JK8KLFIP FI :FEJK@KLK@FE8C I@>?K 8E; K?<

LEC8N=LCE<JJ F= K?<@I :FE; L:K N8J U:C<8ICP <JK89C@J?<; 8K K?< K@D< V

FLIKJ ?8M< ; @J:I<K@FE KF ; <:@< N?@.? GIFE> F= K?< 8E8CPJ@J KF 8; ; I<JJ

=@IJK *Pearson v. Callahan* O .

; <:@J@FE @E K?< ; <=<E; 8EKJ =8MFI FE <@?<I GIFE> <JK89C@J?<J

HL8C@-@; @DDLE@KP <M<E N@?FLK :FEJ@< <I8K@FE F= K?< FK?<I GIFE> C.F.

ex rel. Farnan v. Capistrano Unified Sch. Dist. ! ; K?

@

2?@< HL8C@-@; @DDLE@KP @J KF 9< ; <K<ID@E<; 8K K?< <8IC@JK GFJJ@9C<

GF@EK @E K?< C@>8K@FE JLDD8IP AL; >D<EK @E =8MFI F= F==@.<IJ @J

U@E8GGIFGI@8K< N?<I< 8 ><EL@E< @JL< F= D8K<I@8C =8:K GI<M<EKJ 8

; <K<ID@E8K@FE F= HL8C@-@; @DDLE@KP LEK@ 8=K<I KI@8C FE K?< D<I@KJ

Estate of Lopez v. Gelhaus

K?< I<8JFE89C<E<JJ F= 8 ! FLIK? D<E; D<EK :C8@D ><E<I8CCP 8I< ALIP
HL<JK@FEJ /?LJ K?<I< N8J EF GIF989C< :8LJ< @ GC8@EK@= J M<IJ@FE N<I<
8::<GK<;

GC8@EK@= DLJK <JK89C@J? 9P 8 GI<GFE; <I8E:< F= K?< <M@; <E:< K?8K 8
; <=<E; 8EK G<I=FID<; 8E 8:K FI 8:KJ N?@.? FG<I8K<; KF ; <GI@M< ?@D F=
FE< FI DFI< F= ?@J ! <; <I8C FEJK@KLK@FE8C I@?KJ 8:K<; LE; <I :FCFI F=
C8N 8E; N8J K?< C<>8C :8LJ< F= ; 8D8><J *Wood v. Strickland*
O . +IFF= F= JG<: @-@: @EK<EK KF ; <GI@M< FE< F= : FEJK@KLK@FE8C
I@?KJ @J EFK I<HL@I<; *Monroe v. Pape* O .

:FEKIFC FM<I 8 JLJG<:K HL8C@-@J J JL:? <8:? - <JGFE; <EK @J 8J
I<JGFEJ@9C< 8J K?< FK?<I <M<E @ @K N8J FE< F= K?<D N?F KFFB DFJK FI
DFI< F= K?< F9A<:K@FE89C< 8:K@FEJ

/?< ! FLIK? D<E; D<EK GIF?@9@KJ DFI< K?8E K?< LEE<: <JJ8IP JKI@B<
F= 8 E@?KJK@.B JK@E> F= 8 9LCC<K 8E; K?L; F= 8 9FFK := *Schmerber v.*
California O. \$EJK<8; K?< HL<JK@FE @J N?<K?<I K?<
F==@: <IJ 8:K@FEJ 8I< F9A<:K@M<CP I<8JFE89C< @E C@?K F= K?< =8:KJ 8E;
:@:LDJK8E:<J :FE=IFEK@E> K?<D *Griego v. Cnty. of Maui*
O. @JK ' 3\$. 8K S #8N :@E> :8J<J

/?LJ :FLIKJ ?8M< ?<C; K?8K G?PJ@.8C @EALIP @J EFK 8E <C<D<EK F= 8 R
:C8@D *Robinson v. Solano Cnty.* ! ; S K? @
GF@EK@E> 8 >LE 8E; :8LJ@E> K?< JLJG<:K KF =<8I =FI 6?@J7 C@< <M<E
@K ; F<J EFK :8LJ< G?PJ@.8C @EALIP *Meredith v. Erath* ! ;
 K? @ C8N=LC ; <K<EK@FE D8P 9< LEI<8JFE89C< @
ULEE<: <JJ8I@CP G8@E=LC ; <>I8; @E> FI GIFCFE><; V *Tekle v. United*
States ! ; K? @ <0: <JJ@M< =FI: < N?<I< F==@: <IJ
B<GK 8E <C<M<E P<8I FC; :?@; ?8E; :L==<; 8E; GF@EK<; K?<@I N<8GFEJ 8K
?@D <M<E 8=K<I @K N8J 8GG8I<EK K?8K ?< N8J 8 :?@; 8E; N8J EFK
I<J@JK@E> K?<D FI 8KK<DGK@E> KF =C<< *McDowell v. Rogers* ! ;
 K? @ N<; F EFK 9<C@M< K?8K 8 J<I@FLJ FI
G<ID8E<EK @EALIP @J 8 GI<I<HL@J@K< KF 8 :C8@D LE; <I R

U/?< @EKILJ@FE 6FE 8 G<IJFE J 0@9<IKP7 D8P 9< JL9JK8EK@8C <M<E K?FL>?
K?< @EALI@J 8I< D@EFI Santos v. Gates ! ; K? @
/?< @EALI@J . /- (?8J ; <J:I@9<; @E ?@J ; <GFJ@K@FE
@EK<IIF>8KFIP I<JGFEJ<J 8E; ; <:C8I8K@FE 8I< JL==@. @<EK
CK?FL>? Arpin v. Santa Clara Valley Transp. Agency ! ;
K? @ JL>><JKJ K?8K D<; @. 8C I<:FI; J J?FN@E> @EALIP 8I<
E<:<JJ8IP KF JL::<<; FE 8 :C8@D =FI <0:<JJ@M< =FI:< K?< 8=FI<D<EK@FE<;
) @EK? @I:L@K :8J<J N?@.? N<I<; <:@; <; 8=K<I Arpin J8P FK?<IN@J<

\$E Atwater v. City of Lago Vista O K?< FLIK

?<C; K?8K 8E 8II<JK D8; < @E 8E <OKI8FI; @E8IP D8EE<I LELJL8CCP

?8ID=L< KF GI@M8: P FI G?PJ@: 8< @EK<I<JKJ @J 8:K@FE89<< /?< FLIK

JK8K<;

J FLI :@K8K@FEJ @E Whren v. United States O

 D8B< :<8I K?< HL<JK@FE N?<K?<I 8 FI J<@QLI< @J
<OKI8FI; @E8IP KLIEJ 89FM< 8<< <W< FE K?< D8EE<I @E N?@: ?
K?< J<8I: ? FI J<@QLI< @J <O<: LK<; KN8K<I J 8II<JK N8J
JLI<CP ?LD@<@8K@E> 8J J?< J8PJ @E ?<I 9I@=< 9LK @K N8J EF
DFI< ?8ID=L< KF GI@M8: P FI G?PJ@: 8< @EK<I<JKJ K?8E
K?< EFID8< :LJKF; @8< 8II<JK /?< 8II<JK 8E; 9FFB@E> N<I<
@E: FEM<E@<EK 8E; <D98II8JJ@E> KF KN8K<I 9LK EFK JF
<OKI8FI; @E8IP 8J KF M@F<8K< K?< ! FLIK? D<E; D<EK

\$. 8K S

#FN<M<I 8 J<@QLI< I<8JFE89<< 8K @J @E: <GK@FE D8P M@F<8K< K?< ! FLIK?

D<E; D<EK 9P M@KL< F= @KJ @EKFC<I89<< @EK<EJ@KP 8E; J:FG< Meredith v.

Erath ! ; 8K

/?@J @J 9<:8LJ< FE: < 8 J<@QLI< F::LII<; @K :FEK@EL<J K?IFL>?FLK K?<

K@D< K?< 8II<JK<< @J @E K?< :LJKF; P F= K?< 8II<JK@E> F==@: <IJ

/?<I<=FI< <O:<JJ@M< LJ< F= =FI:< 9P 8 C8N <E=FI:<D<EK F==@: <I @E K?<

:FLIJ< F= KI8EJGFIK@E> 8E 8II<JK<< >@M< I@J< KF 8 R :C8@D Robins v.

Harum ! ; K? @

<: 8LJ< K?< <0:<JJ@M< =FI:< 8E; =8CJ< 8II<JK @EHL@I@<J 8I< ; @JK@E:K
<JK89C@J?@E> FE< ; F<J EFK 8LKFD8K@: 8CCP <JK89C@J? FI GI<:CL; < K?<
FK<?I

K? @l =FI:< J?FLC; 9< I<; L:<; =FI 8 D@J; <D<8EFI

Fisher v. City of Las Cruces

M8CL8K@E> K?< >FM<IED<EK J @EK<I<JK @E K?< LJ< F= =FI:< I<HL@I<J
:FEJ@, <I8K@FE F= 8K C<8JK K?I<< GI@D8IP =8:KFIJ

K?< J<M<I@KP F= K?< :I@D< 8K @JJL< N?<K?<I K?<
JLJG<:K GFJ<; 8E @DD<; @8K< K?I<8K KF K?< J8=<KP F= K?<
F=@: <IJ FI FK?<IJ 8E; N?<K?<I K?< JLJG<:K N8J 8:K@M<CP
I<J@JK@E> 8II<JK FI 8KK<DGK@E> KF <M8; < 8II<JK 9P =@?K
N?<K?<I K?< JLJG<:K GFJ<6; 7 8E @DD<; @8K< K?I<8K KF K?<
J8=<KP F= K?< F=@: <IJ FI FK?<IJ @J K?< DFJK @DGFJK8EK J@E>C<
<C<D<EK F= K?< K?I<< JG<: @-@; =8:KFIJ /?< K?@I; =8:KFI
N?<K?<I ' FNIP N8J I<J@JK@E> FI 8KK<DGK@E> KF <M8; < 8II<JK
:8E 9< @DGFJK8EK N?<E 8E F=@: <I @J =8:@E> 8 JLJG<:K 8E;
:8E F9J<IM< N?<K?<I K?8K JLJG<:K @J :FDGCP@E> FI I<J@JK@E>
* LI :8J<J JL>><JK K?8K N?<I< K?< JLJG<:K G8JJ@M<CP I<J@JKJ
8II<JK 8 C<JJ<I ; <>I<< F= =FI:< @J ALJK@-@; :FDG8I<; KF
J@KL8K@FEJ @E N?@: ? K?< JLJG<:K 8:K@M<CP I<J@JKJ 8II<JK
\$E 8JJ<JJ@E> K?< @KP J @EK<I<JK @E K?< LJ< F= =FI:< FK?<I
I<C<M8EK =8:KFIJ N< ?8M< @, <EK@-@; @E:CL; < N?<K?<I GIFG<I
N8IE@E>J N<I< >@M<E 8E; K?< 8M8@89@@KP F= C<JJ @EKILJ@M<
8CK<IE8K@M<J KF K?< =FI:< < <DGCFP<;

Lowry, supra :@8K@FEJ FD@KK<;

U/?< I@JB F= ?8ID GFJ<; 9P 8 G8IK@:LC8I LJ< F= =FI:< T EFK ALJK K?<
8DFLEK F= ?8ID 8:KL8CCP :8LJ<; @E ?@E; J@?K T @J GIFG<ICP :FEJ@, <I<;
8J G8IK F= K?< =@JK " I8?8D JK<G V Lowry v. City of San Diego ! ;
8K /?FD8J % ;@JJ<EK@E>

\$E K?@J :8J< D8K<I@8C HL<JK@FEJ F= =8:K JL: ? 8J N?<K?<I . /- (N8J
8:K@M<CP I<J@JK@E> N?<K?<I - <JGFE; <EKJ BE<N F= J?FLC; ?8M< BEFNE ?<
N8J ;@J89C<; N?<K?<I K?<P I<8JFE89CP 9<C@M<; ?< N8J 8ID<; 8K K?<
K@D< ?< GI<J<EK<; ?@DJ<C= K?< J<M<I@KP F= 8EP K?I<8K ?< GFJ<; K?<

8; <HL8: P F= GfC@< N8IE@E>J 8E; K?< GFK<EK@8C =FI C<JJ @EKILJ@M< D<8EJ
N<I< GC8@ECP @E ; @JGLK< 8E; GI<:CL; <; JLDD8IP AL; >D<EK . << < >

Smith v. City of Hemet _____ ! ; _____ K? @ _____ @J <M@, <EK
K?8K K?< HL<JK@FE N?<K?<I K?< =FI:< LJ<; ?<I< N8J I<8JFE89C< @J 8
D8KK<I K?8K :8EEFK 9< I<JFCM<; @E =8MFI F= K?< ; <=<E; 8EKJ FE JLDD8IP
AL; >D<EK

J N@C 9< J?FNE M@<N@E> K?< =8:KJ @E K?< C@>?K DFJK =8MFI 89C< KF
. /- (K?< =FI:< LJ<; N8J F9A<:K@M<CP LEI<8JFE89C<

. /- (K?<E 8 P<8I FC; ; @J89C<; D8E N8J M@FC<EKCP GLCC<; KF K?<
>IFLE; 9P <GLKP . ?<I@=J K?< DL: ? C8I><I F= N?FD =<CC FE KFG F=
?@D GLK 8 BE<< FE ?@J @EALI<; 8E; KN@JK<; E<:B 8E; =FI:@9CP
?8E; :L==<; ?@D 9P GLCC@E> ?@J 8I DJ 9<?@E; ?@J 98:B @E 8 G8@E=LC 8E;
GIFCFE><; D8EE<I C<8M@E> ?@D C@B< K?8K =FI FM<I 8 ?8C= ?FLI #< N8J
EFK 8:K@M<CP I<J@JK@E> 8E; N8J N@C@E> KF >F @EKF 8 N8@E> 8D9LC8E:< @E
?8E; :L=J @E K?< =IFEK 9<:8LJ< ?@J W?FLC; <IJ ; FEK NFIB C@B< K?8K V

#< ?8J 8 98; 98:B 98; J?FLC; <IJ 8 98; E<:B N?@. ? ?8; JLI><I@J
8 G8:<D8B<I ; <=@9I@C8KFI 8E; N8J K8B@E> 9CFF; K?@EE<IJ #@J

KI<8KD<EK @E:CL; <; 8 / J:8E KF ?@J ?<8; N?@.? N8J I<HL@I<; ; L< KF
?@J ?<8IK :FE; @K@FE 8J K?< =FI:< :FLC; ?8M< :8LJ<; @EKI8 :I8E@8C
9C<<; @E>

! LIK?<I . /- (K<JK@=@<; K?8K GI@FI KF K?< 8GGC@. 8K@FE F= =FI:<
- <JGFE; <EKJ GF@EK<; K?<@I =@I <8I DJ 8K ?@D 8E; (P<IJX ?8E; N8J
J?8B@E> J<< *United States v. Alvarez* ! ; K? @I \$=
K?< GF0@.< ; I8N K?<@I >LEJ @K >I<8KCP @E: I<8J<J K?< J<I@FLJE<JJ F= 8 JKFG

; F EFK ILC< FLK K?8K @E JFD< :@I:LDJK8E:<J JFD< =FI:< D@>?K 9<
N8II8EK<; KF GI<M<EK JL@.@< < 9LK @E :8J<J C@B< K?@J FE< K?< JFCLK@FE
:FLC; 9< NFIJ< K?8E K?< GIF9C<D V

#<I< EF :I@D< ?8; 9<<E :FDD@KK<; 8E; . /- (?8; EFK 9<<E EFI
:FLC; ?< ?8M< 9<<E 8II<JK<; J<@QLI< :FE; L:K<; GLIJL8EK KF R @J
8 U; <K<EK@FEV 8E; EFK 8E U8II<JK V D<8E@E> K?< I@>?KJ 8E; GFN<IJ 8E;
FGK@FEJ F= 8 GF@.< F==@.<I 8I< DFI< :@I:LDJ:I@9<; Ya. G<:@.8CCP K?<
J<8I: ? =FI N<8GF EJ N8J C@D@<; KF 8 G8K; FNE

UOE; <I K?< ' 8EK<ID8ES+<KI@JS. ?FIK ' +. :K 8 G<IJFE N?F @J
; 8E><IFLJ FI >I8M<CP ; @J89C<; ; L< KF 8 D<EK8C ; @JFI; <I D8P 9< *detained*
=FI @EMFCLEK8IP KI<8KD<EK #FN<M<I @E 8: :FI; 8E:< N@? K?< C<>@JC8K@M<
GLIGFJ< F= GI<M<EK@E> @E8GGIFGI@8K< @E; <=@E@< :FDD@KD<EKJ F=
D<EK8CCP ; @JFI; <I<; G<IJFEJ JL:? *detentions* 8I< @DGC<D<EK<;
@E:I<D<EK8CCP ! LIK?<I K?<J< @EMFCLEK8IP GC8:<D<EKJ :8E 9< K<ID@E8K<;
9<=FI< K?< <OG@I8K@FE F= K?< :FDD@KD<EK G<I@F; /?LJ K?< ' +. :K
8JJLI<J 8 G<IJFE GIFG<ICP ; <K8@E<; F= 8E FGGFIKLE@KP =FI <8ICP I<C<8J<
Bragg v. Valdez 8C GG K? <DG?8J@J 8; ; <;

OE; <I R 8E F==@.<I D8P U; <K8@EV 8EP G<IJFE @ K?< F==@.<I
; <K<ID@E<J GIF989C< :8LJ< <O@JKJ KF 9<C@M< K?8K K?< G<IJFE ; <K8@E<; @J
D<EK8CCP ; @JFI; <I<; 8E; @J 8 ; 8E><I KF ?@DJ<C= FI ?<IJ<C= V *Maag v.*

Ya . /- (MFCLEK8I@P 8>I<<; KF >F N@? K?< GF@.< LGFE K?<@I I<HL<JK
8E; @J K?<I<=FI< EFK C@>8K@E> K?< M8C@, @KP F= K?< ; <K<EK@FE ALJK @J
D8EE<I F= <O<:LK@FE #< ; F<J EFK :FE:<; < K?<I< N8J GIF989C< :8LJ<

Wessler

! ;

K? @|

\$E K?@J :8J< . /- (N8J EFK JLJG<:K<; F= 8EP :I@D< EFI ?8; ?<
:FDD@KK<; FE< /?< <GLK@J N<I< K?<I< KF ?<CG ?@D FEKI8IP KF K?<@
:C8@DJ K?< <M@; <E:< N@C GIFM< KF 8 D<; @. 8C :<IK8@EKP K?8K ?< ; @; EFK
8:KL8CCP I<J@JK #< @J J@DGCP @E: 8G89C< F= GLKK@E> ?@J ?8E; J 9<?@E; ?@J
98:B #< ?8J EF DLJ:C< KFE< N?@. ? NFLC; <E89C< ?@D KF G?PJ@. 8CCP
I<J@JK K?< 8:K@FEJ F= KNF GF@: < F==@. <IJ /?< E<<; =FI =FI:< N8J 8K @KJ
E8; @ /?@J =8:KFI @J @E ; @JGLK< FI =8MFIJ . /- (

; <J@I< KF I<JFCM< HL@. BCP 8 GFK<EK@8CCP ; 8E><IFLJ J@KL8K@FE @J EFK
K?< KPG< F= >FM<IED<EK8C @EK<I<JK K?8K JK8E; @E> 8CFE< ALJK@-@J K?< LJ<
F= =FI:< K?8K D8P :8LJ< J<I@FLJ @EALIP *Deorle v. Rutherford* ! ;
8K

U/?< =8:K K?8K K?< WJLJG<:K N8J 8ID<; N@K? 8 ; <8; CP N<8GFEX ; F<J
EFK I<E; <I 8E F==@. <IJX I<JGFEJ< G<I J< I<8JFE89C< \$= K?< G<IJFE @J
8ID<; T FI I<8JFE89CP JLJG<:K<; F= 9<@E> 8ID<; T 8 =LIK@M< DFM<D<EK
?8IIFN@E> ><JKLI< FI J<I@FLJ M<I98C K?I<8K D@?K :I<8K< 8E @DD<; @8K<
K?I<8K V *George v. Morris* ! ; K? @

N@; < M8I@KP F= =8:KFIJ JLGGFIKJ 8 I<8JFE89C< 9<C@= K?8K 8E
@E; @M@; L8C @J GI<J<EKCP 8ID<; 8E; ; 8E><IFLJ @E:CL; @E> F9J<IM8K@FE
F= 8 M@J@9C< 9LC>> @E 8E @E; @M@; L8C J :CFK?@E> *United States v. Alvarez*
 ! ; 8K JL; ; <E DFM<D<EKJ FI I<G<8K<; 8KK<DGKJ KF I<8:?

=FI 8E F9A<:K EFK @DD<; @8K<CP M@J@9C< J<< *United States v. Flippin*

! ; K? @I 8E; K?< E8KLI< F= K?< JLJG<:K<;

:!@D< J<< *United States v. Mattarolo* ! ; K? @I

#FN<M<I =8:KJ D<I<CP <JK89C@J?@E> K?8K @= 8E @E; @M@; L8C N<I<

8ID<; ?< NFLC; 9< ; 8E><IFLJ 8I< @EJL==@: @EK @= K?<I< N8J EF I<8JFE KF

9<C@M< K?8K K?< @E; @M@; L8C 8:KL8CCP N8J 8ID<; . << *Ramirez v. City of*

Buena Park ! ; K? @I

#<I< EFE< F= K?<J< =8:KFIJ N<I< GI<J<EK CK?FL>? K?<P N<I< KFC; ?<

U?8; 8 >LEV K?<P J8N EFE< 8E; @E =8:K K?<I< N8J EF GC8:< =FI ?@D KF

?@; < FE< 2?<E ?< <O@K<; -<JGFE; <EKJ :FLC; J<< . /- (N8J ?FC; @E> 8

G?FE< 8E; 8 9CFF; P E8GB@E N?@: ? ; @JG8K: ? BE<N N8J ; L< KF K?< =8:K

K?8K (J I8E8D J8@; ?< ?8; 9<<E :FL>?@E> LG 9CFF; /?<P ; @; EFK ?<8I

8 >LEJ?FK 2@C@J KFC; \$EK<IE8C ==8@J ?< ; @; EFK J<< 8 ?8E; >LE @E

. /- (UJ N8@JK98E; /?<I< N8J EF FK?<I GC8:< =FI ?@D KF :FE:<8C FE<

2?<E 8 JLJG<:KJ FECP I<J@JK8E:< @J =8@LI< KF :FDGCP N@K? 8 GFC@:<
 FI;<I 8E; K?8K I<J@JK8E:< @J EFK G8IK@.LC8ICP 9<CC@:FJ< @K @J :FEJ@;<I<;
 G8JJ@M< 8E; ; F<J EFK N<@>? ?<8M@CP @E K?< >FM<IED<EK J =8MFI *Bryan v.*
MacPherson ! ; K? @ *People v. Quiroga*
 8C GG K? 6\$7K JLI<CP :8EEFK 9< JLGGFJ<; K?8K 6+<E8C
 F;<R 7:I@D@E8C@Q<J 8 G<IJFE J =8@LI< KF I<JGFE; N@K? 8C8:I@KP KF
 GFC@:<FI;<IJ *Mackinney v. Nielsen* ! ; K? @

FLKI@>?K I<=LJ8C KF :FDGCP N@K? GFC@:< :FDD8E; J KF JKFG NI@K@E>
 FE 8 J@;<N8CB N@K? :?8CB ; F<J EFK :FEJK@LK< F9JKIL:K@FE LE;<I R
 \$E *Smith v. City of Hemet* ! ; 8K K?< FLIK ?<C; GC8@EK@= J
 I<=LJ8C KF F9<P F==@:<IJ :FDD8E; J KF I<DFM< ?@J ?8E; J =IFD ?@J GF: B<KJ
 KF J?FN N?<K?<I ?< N8J 8ID<; 8J N<CC 8J ?@J <EKIP @EKF ?@J ?FD<
 ;<JG@K< F==@:<IJ FI;<IJ 8E; ?@J 9I@= G?PJ@:8C I<J@JK8E:< N<I< EFK
 G8IK@.LC8ICP 9<CC@:FJ< V 8E; ; @; EFK :FEJK@LK< 8:K@M< I<J@JK8E:<

\$E *Glenn v. Washington Cnty.* ! ; K?< FLIK :FEJ@;<I<;
 N?<K?<I ' LBLJ N?F N8J D<EK8CCP @C N8J 8:K@M<CP I<J@JK@E> 8II<JK 8E
 @JL<K?< FLIK ;<<D<; UDFI< :FDGC@:8K<; V

. @>E@-@:8EKCP ?< ; @; EFK 8KK8: B K?< F==@:<IJ FI 8EPFE< <CJ<
 EFI ; @; ?< K?I<8K<E KF ; F JF 8K 8EP GF@EK N?@< F==@:<IJ N<I<
 FE K?< J:<E< @K8K@FE FD@KK<; -8K?<I ?< JK8P<; @E K?<
 J8D< GFJ@K@FE =IFD K?< K@D< F==@:<IJ 8II@M<; 8E; KFFB EF

K?I<8K<E@E> 8:K@FEJ FK?<I K?8E EFE:FDG@8E:< N@K? J?FLK<;
FI;<IJ #FN<M<I ?< I<D8@E<; @E GFJJ<JJ@FE F= K?<
GF:B<KBE@<; <JG@K< F==@<IJ :FDD8E; J KF GLK @K ; FNE J K?<
; @JKI@:K :FLIK I<:F>E@Q<; K?FL>? @K @J EFK :C<8I ' LBLJ ?<8I;
FI LE;<IJKFF; K?FJ< FI;<IJ *Smith*@J J@D@8I KF K?@J :8J<
@E K?8K K?< :ILO F= K?< I<J@JK8E:< N8J K?< I<=LJ8C KF =FCCFN
F==@<IJ :FDD8E; J I8K?<I K?8E 8:K@M<CP 8KK8: B@E> FI
K?I<8K<E@E> F==@<IJ FI FK?<IJ 2< K8B< EFK< F=
28J?@E>KFE FLEKP J FNE >L@;<C@E<J @E :FEJ@;<I@E> ?FN K?@J
;@JK@E:K@FE J?FLC; 8==<:K FLI 8E8CPJ@J

Id. 8K S

/?< . ?<I@=J OJ< F= ! FI:< GF@:P 0?@9@K 8K JK8K<J K?8K U :K@M<
I<J@JK8E:< I<=<IJ KF FM<IK G?PJ@:8C 8:K@FEJ @EK<E;<; KF GI<M<EK 8 ;<GLKPxJ
:FEKIFC 9LK K?8K ; F<J EFK 8KK<DGK KF ?8ID K?< ;<GLKP V . /- (
8; D@K<; ?< ; @; EFK N8EK KF 9< ?8E; :L==<; 9<?@E; ?@J 98:B 9LK N8J
N@C@E> KF 9< ?8E; :L==<; @E K?< =IFEK 8E; <OGC8@E<; N?P KF 8MF@; K?<
G8@E ?< BE<N N8J :FD@E> #< ;<E@<; K?8K ?< I<J@JK<; 8EP 8KK<DGK KF 9<
?8E; :L==<; #< @J J@DGCP @E:8G89C< F= GLKK@E> ?@J ?8E; J 9<?@E; ?@J
98:B #< ?8J EF DLJ:C< KFE< N?@: ? NFLC; <E89C< ?@D KF G?PJ@:8CCP
I<J@JK K?< 8:K@FEJ F= KNF GF@:< F==@<IJ

J K?< FLIK JK8K<; @E *Fisher v. City of Las Cruces* ! ; 8K
U I<8JFE89C< ALIFI :FLC; :FE:CL; < +C8@EK@= N8J EFK I<J@JK@E> 8II<JK 9LK
N8J FECp GC<8; @E> KF 9< ?8E; C<; 8E; ?8E; :L==<; @E 8 =8J?@FE K?8K ; @;
EFK <08:<I98K< ?@J @EALI@J V

/?@J =8:KFI @J @E ;@JGLK< FI =8MFIJ . /- (

. /- (KFC; - <JGFE; <EKJ ?< N8J 8 ?<8IK G8K@<EK Z\ ?8; 8E
@EALI<; J?FLC; <I N?P ?< :FLC; EFK 8E; ;@; EFK N8EK KF 9<
?8E; :L==<; 9<?@E; ?@J 98:B K?< D@ELK< ?8E; :L==@E> 9<?@E; ?@J
98:B :8LJ<; ?@D G8@E " @M<E K?<J< :@:LDJK8E:<J 8 I<8JFE89C< ALIP
:FLC; :FE:CL; < - <JGFE; <EKJ J?FLC; ?8M< :FEJ@; <I<; C<JJ @EKI LJ@M<
FGK@FEJ FK?<I K?8E GLCC@E> ?@D ; FNE 8E; ?8E; :L==@E> ?@D 9<?@E; ?@J
98:B N?@. ? @J :FEK<DGC8K<; 9P GF@P 0?@9@K
/?@J =8:KFI @J @E ; @JGLK< FI =8MFIJ . /- (

- <JGFE; <EKJ N<I< K?<I< KF ?<CG ?@D /8B@E> K?< =8:KJ @E K?< C@>?K
DFJK I<8JFE89C< KF . /- (- <JGFE; <EKJ BE<N ?< N8J 8E FC; <I
; @J89C<; ?<8IK G8K@<EK CC K?<P =F:LJ<; FE N8J K?8K ?< N8J 8CC<><; CP
UJL@: @; 8CV 8E; N<I< KFC; U?< ?8; ?@J >LE FLK V /?<P E<M<I J8N 8EP
<M@; <E:< KF M<I@P ?< N8J 8ID<; 8J ?< <0@K<; ?@J ?FD< J@DGCP KIP@E> KF
=@E; FLK N?8K N8J >F@E> FE #8M@E> 9<<E >@M<E @E=FI D8K@FE K?8K ?< N8J
G?PJ@: 8CCP @E: 8G89C< F= :FDGCP@E> K?<P E<M<IK?<C<JJ GLCC<; ?@D KF K?<
>IFLE; 8E; =FI:@9CP ?8E; :L==<; ?@D 9<?@E; ?@J 98:B @E 8 G8@E=LC
D8EE<I =FI 89FLK 8 ?8C= ?FLI

Z\ N?@. ? LI8E :FIIF9FI8K<; ! LIK?<I ?@J JLI>@: 8C J:8I N8J :C<8ICP
M@J@9C< 8E; K?< CLDG @E ?@J :?<JK GIFEFLE:<;

\$E C@>?K F= K?<@I JK8K<; I<8JFE =FI 9<@E> K?<I< KF U?<CGV . /- (
- <JGFE; <EKJ ?8; 5 - * @EK<I<JK @E @E 8:K@E> K?< N8P K?8K K?<P ;@; /?@J
=8:KFI @J @E ; @JGLK< FI =8MFIJ . /- (

- <JFGFE; <EKJ DLJK GIFM< K?<P 8I< <EK@K<; KF HL8C@-@; @DDLE@KP
Moreno v. Baca _____ ! ; _____ K? @I #FN<M<I . /- (
9<8IJ K?< 9LI; <E F= J?FN@E> K?8K K?< I@>?KJ 8CC<><; CP M@FC8K<; N<I<
U: C<8ICP <JK89C@J?<; V Shafer v. Cnty. of Santa Barbara _____ ! ; _____
_____ K? @I :@K8K@FEJ FD@K<;

/?@J FLIK ?8J I<: <EKCP 8: BEFNC<; ><; K?8K HL8C@-@; @DDLE@KP D8P
9< ; <E@; @E EFM<C :@I: LDJK8E: <J *K?<IN@J< F==@: <IJ NFLC; <J: 8G<
I<JGFEJ@9@KP =FI K?< DFJK <>I<>@FLJ =FIDJ F= :FE; L:K J@DGCP 9<: 8LJ<
K?<I< N8J EF :8J< FE 8CC =FLIJ GIF?@9@K@E> K?8K G8IK@: LC8I D8E@<JK8K@FE
F= LE: FEJK@KLK@FE8C :FE; L:K Longoria v. Pinal Cnty. _____ ! ; _____

K? @I

\$E Dist. of Columbia v. Wesby _____ . K @KJ DFJK I<: <EK
; <: @J@FE FE HL8C@-@; @DDLE@KP K?< . LGI<D< FLIK <OGC8@E<;

U C<8ICP <JK89C@J?<; V D<8EJ K?8K 8K K?< K@D< F= K?<
F==@: <IXJ :FE; L:K K?< N8J UWJL==@: @EKCP :C<8IX K?8K <M<IP
W <8JFE89C< F==@: @8C NFLC; LE; <IJK8E; K?8K N?8K ?< @J ; F@E>W
@J LEC8N=LC Ashcroft v. al-Kidd _____ O . _____ \$E
FK?<I NFI; J <O@JK@E> C8N DLJK ?8M< GC8: <; K?<
: FEJK@KLK@FE8C@KP F= K?< F==@: <IXJ :FE; L:K U9<PFE; ; <98K< V \$;

/?@J ; <D8E; @E> JK8E; 8I; GIFK<:KJ U8CC 9LK K?< GC8@ECP
@E: FDG<K<EK FI K?FJ< N?F BEFN@E>CP M@FC8K< K?< C8N V Malley
v. Briggs O.

/F 9< :C<8ICP <JK89C@J?<; 8 C<>8C GI@E: @GC< DLJK ?8M< 8
JL==@. @EKCP :C<8I =FLE; 8K@FE @E K?<E <O@JK@E> GI<:<; <EK /?<
ILC< DLJK 9< UJ<KKC<; C8N V Hunter v. Bryant O.
 G<I :LI@8D N?@. ? D<8EJ @K @J ; @. K8K<; 9P
U: FEKIFCC@E> 8LK?FI@KPV FI U8 IF9LJK W FEJ<EJLJ F= :8J<J F=
G<IJL8J@M< 8LK?FI@KPV W Ashcroft v. al-Kidd O. \$K
@J EFK <EFL>? K?8K K?< ILC< @J JL>><JK<; 9P K?<E <O@JK@E>
GI<:<; <EK /?< GI<:<; <EK DLJK 9< :C<8I <EFL>? K?8K <M<IP
I<8JFE89C< F==@. @8C NFLC; @EK<IGI<K @K KF <JK89C@J? K?<
G8IK@. LC8I ILC< K?< GC8@EK@= J<<BJ KF 8GGCP @K8K@FE FD@KK<;
*K?<IN@J< K?< ILC< @J EFK FE< K?8K U<M<IP I<8JFE89C< F==@. @8CV
NFLC; BEFN @K8K@FE FD@KK<;

/?< U: C<8ICP <JK89C@J?<; V JK8E; 8I; 8CJF I<HL@I<J K?8K K?<
C<>8C GI@E: @GC< :C<8ICP GIF?@9@K K?< F==@. <IXJ :FE; L: K @E K?<
G8IK@. LC8I :@I: LDJK8E: <J 9<=FI< ?@D /?< ILC<XJ :FEKFLIJ
DLJK 9< JF N<CC 6 7 ; <=@E<; K?8K @K @J U: C<8I KF 8 I<8JFE89C<
F==@. <I K?8K ?@J :FE; L: K N8J LEC8N=LC @E K?< J@L8K@FE ?<
:FE=IFEK<; V Saucier v. Katz O. /?@J
I<HL@I<J 8 ?@>? U; <>I<< F= JG<: @.@. @KPV Mullenix v. Luna
 K G<I :LI@8D 2< ?8M< I<G<8K<; CP
JKI<JJ<; K?8K :FLIKJ DLJK EFK U; <=@E< :C<8ICP <JK89C@J?<; C8N
8K 8 ?@>? C<M<C F= ><E<I8C@KPV J@E: < ; F@E> JF 8MF@, J K?< :IL: @8C
HL<JK@FE N?<K?<I K?< F==@. @8C 8: K<; I<8JFE89C@E K?<
G8IK@. LC8I :@I: LDJK8E: <J K?8K ?< FI J?< =8: <; V @K8K@FE
FD@KK<; ILC< @J KFF ><E<I8C @ K?< LEC8N=LCE<JJ F= K?<
F==@. <IXJ :FE; L: K U; F<J EFK =FCCFN @DD<; @8K<CP =IFD K?<
:FE: CLJ@FE K?8K 6K?< ILC<7 N8J =@I DCP <JK89C@J?<; V @K8K@FE
FD@KK<;

2< ?8M< JKI<JJ<; K?8K K?< UJG<: @.@. @KPV F= K?< ILC< @J
U<JG<: @8CCP @DGFIK8EK @E K?< ! FLIK? D<E; D<EK :FEK<OK V
@K8K@FE FD@KK<; /?LJ N< ?8M< JKI<JJ<; K?< E<<; KF
U@, <EK@P 8 :8J< N?<I< 8E F==@. <I 8: K@E> LE; <I J@D@8I
:@I: LDJK8E: <J N8J ?<C; KF ?8M< M@FC8K<; K?< ! FLIK?

D<E; D<EK V *White v. Pauly* . K G<I :LI@8D
2?@< K?<I< ; F<J EFK ?8M< KF 9< U8 :8J< ; @<: KCP FE GF@EK ZV
<0@JK@E> GI<:;< ; <EK DLJK GC8:< K?< C8N=LCE<JJ F= K?<
G8IK@ LC8I 8II<JK U9<PFE; ; <98K< V 8C &@; ; JLG18 8K *=
: FLIJ< K?<I< :8E 9< K?< I8I< UF9M@FLJ :8J< ZV N?<I< K?<
LEC8N=LCE<JJ F= K?< F==@:<IXJ :FE; L:K @J JL==@:<EKCP :C<8I <M<E
K?FL>? <0@JK@E> GI<:;< ; <EK ; F<J EFK 8; ; I<JJ J@D@8I
: @: LDJK8E: <J *Brosseau v. Haugen* O .
G<I : LI@8D LK U8 9F; P F= I<C<M8EK :8J< C8NV @
LJL8CCP E<: <JJ8IP KF U@: C<8ICP <JK89C@J?X K?< 8EJN<IV N@K?
I<JG<: K KF GIF989C< :8LJ< *Ibid*

Dist. of Columbia v. Wesby . K 8K

\$E 8 =FFKEFK< K?< :FLIK 8; ; <;

2< ?8M< EFK P<K ; <:@; <; N?8K GI<:;<; <EKJT FK?<I K?8E FLI
FNET HL8C@P 8J :FEKIFCC@E> 8LK?FI@KP =FI GLIGFJ<J F=
HL8C@-@; @DDLE@KP . << <> *Reichle v. Howards* O .
S I<J<IM@E> K?< HL<JK@FE N?<K?<I :FLIK F=
8GG<8CJ ; <:@J@FEJ :8E 9< U8 ; @JGFJ@K@M< JFLI:< F=:C<8ICP
<JK89C@J?<; C8NV 2< <OGI<JJ EF M@<N FE K?8K HL<JK@FE ?<I<
-<C8K<; CP FLI :@K8K@FE KF 8E; ; @J:LJJ@FE F= M8I@FLJ CFN<I
:FLIK GI<:;<; <EKJ J?FLC; EFK 9< :FEJKIL<; 8J 8>I<<@E> FI
; @J8>I<<@E> N@K? K?<D FI <E; FIJ@E> 8 G8IK@ LC8I I<8; @E> F=

ZY /?< . LGI<D< FLIK ?8J I<A<:K<; 8EP I<HL@<D<EK K?8K K?< =8:KJ F=
GI@FI :8J<J 9< U=LE; 8D<EK8CCPV FI UD8K<I@8CCPV J@D@8I /?LJ UF==@:8CJ
:8E JK@C 9< FE EFK@:< K?8K K?<@ :FE; L:K M@FC8K<J <JK89C@J?<; C8N <M<E @E
EFM<C =8:KL8C :@: LDJK8E: <J V /?< B<P HL<JK@FE @J EFK N?<K?<I K?<I< @J 8
:8J< ; @<:KCP FE GF@EK 9LK N?<K?<I 8 I<8JFE89C< F==@:<I NFLC;
LE; <IJK8E; K?8K ?@J FI ?<I :FE; L:K N8J LEC8N=LC *Kinney v. Weaver*
! ; S K? @ <E 98E: :@@E> *Hope v. Pelzer*
O . 8K

LL . << <> *PieoßAhsithby* [æ T` Ô Äà e úöëc ^ „,À óóÄ .<< <>Á µ¿¥K? Íå2A&-3Ö

K?<D . << *City & Cnty. of San Francisco v. Sheehan* _____
K _____ =E \$EJK<8; N< 8; ; I<JJ FECP ?FN 8
I<8JFE89C< F==@. @8C U: FLC; ?8M< @EK<IGI<K<; V K?<D @K8K@FE
FD@KK<;

Dist. of Columbia v. Wesby . K 8K =E

/?@J FLIK ?8J I<: <EKCP <C89FI8K<; 6\$7E K?< 89J<E: < F= 8 GI<: <; <EK@8C
:8J< N@K? GI<: @J<CP K?< J8D< =8: KJ 8J K?< :8J< 9<=FI< LJ 6K?@J FLIK7
DLJK :FDG8I< K?< JG<: @@. =8: KFIJ 9<=FI< K?< I<JGFE; @E> F==@. <IJ N@K?
K?FJ< @E FK?<I :8J<J KF ; <K<ID@E< N?<K?<I K?FJ< :8J<J NFLC; ?8M< GLK 8
I<8JFE89C< F==@. <I FE EFK@. < K?8K ?@J 8: K@FEJ N<I< LEC8N=LC *Hughes v.*
Kisela O. GG ' 3\$. 8K K? @ <IQFE %
:FE: LII@E> @E ; <E@8C F= I<?<8I@E> 8E; I<?<8I@E> <E 98E: /?<I<@E
%L; >> <IQFE JK8K<;

/?< @EM<IJ< F= 8 ?@? C<M<C F= >>E<I8C@KP @J EFK 8J K?<
; @JJ<EK JL>>>JKJ 8 GI<M@FLJ :8J< N@K? =8: KJ @, <EK@. 8C K?FJ< @E
K?< @EJK8EK :8J< T 9<: 8LJ< F= :FLIJ< EF KNF :8J<J 8I<
<08: KCP 8C@B< \$= HL8C@-@; @DDLE@KP GIFM@, <; 8 J?@<C; @E
8CC EFM<C =8: KL8C :@I :LDJK8E: <J F==@. @8CJ NFLC; I8I<CP @ <M<I
9< ?<C; 8: :FLEK89C< =FI K?<@I LEI<8JFE89C< M@FC8K@FEJ F= K?<
! FLIK? D<E; D<EK *Mattos v. Agarano* _____ ! ;
K? @ <E 98E:

@E K?< 89J<E: < F= 8 GI<: <; <EK@8C :8J< N@K? GI<: @J<CP K?<
J8D< =8: KJ 8J K?< :8J< 9<=FI< LJ N< DLJK :FDG8I< K?<
JG<: @@. =8: KFIJ 9<=FI< K?< I<JGFE; @E> F==@. <IJ N@K? K?FJ< @E
FK?<I :8J<J KF ; <K<ID@E< N?<K?<I K?FJ< :8J<J NFLC; ?8M< GLK
8 I<8JFE89C< F==@. <I FE EFK@. < K?8K ?@J 8: K@FEJ N<I< LEC8N=LC
/?8K =I8D<NFIB @J GI<: @J<CP K?< FE< K?< G8E<C 8GGC@; KF
&@J<C8J :C8@D F= HL8C@-@; @DDLE@KP =K<I :FE; L: K@E> K?8K
@EHL@IP K?< G8E<C :FE: CL; <; K?8K K?@J :8J< @J >@M<E K?<

G<IK@E<EK GI<:<; <EKJ JHL8I<CP N@K?@E T @E; <<; 8K K?< DFI<
<>I<>@FLJ 9FI; <I F= T K?< >IFLG F= GI<:<; <EKJ @E N?@. ?
<0:<JJ@M< =FI:< N8J =FLE; *Mullenix v. Luna* . K
S

\$; 8K J<< 8CJF *Nichols v. City of San Jose*
O . @JK ' 3\$. 8K S) 8C GI
; <:C@E@E> KF I<8; *White* KF I<HL@I< 8 GC8@EK@= KF @; <EK@-P
8 :8J< ; @I<:KCP FE GF@EK =FI 8 I@?K KF 9< :C<8ICP <JK89C@J?<; V

- <8JFE89C<E<JJ @J EFK 8 ; <D8E; @E> JK8E; 8I; /?< JK8K< F= K?< C8N @J
JL==@.@EKCP :C<8I @ @K >8M< =8@I N8IE@E> KF 8E F==@.<I K?8K ?@J :FE; L:K
N8J LE:FEJK@KLK@FE8C *A. D. v. State of Cal. Highway Patrol* ! ;
K? @I

/F 8: ?@M< K?8K B@E; F= EFK@.< K?< GI@FI GI<:<; <EK DLJK 9<
:FEKIFCC@E>T =IFD K?<) @EK? @I:L@K FI . LGI<D< FLIKT FI FK?<IN@J< 9<
<D9I8:<; 9P 8 :FEJ<EJLJ F= :FLIKJ FLKJ@; < K?< I<C<M8EK ALI@J; @.K@FE
Sharp v. Cty. of Orange ! ; K? @I :=
Tarabochia v. Adkins ! ; K? @I \$E K?<
89J<E:< F= 9@E; @E> GI<:<; <EK :C<8ICP <JK89C@J?@E> K?< :FEJK@KLK@FE8C
I@?K N< CFFDQÅADÄ° dÅI< SF I N8 gÅi T @K?I<ĒEKa307Ā· ·Ē?< ?<< C8N @, < K?9

/?< HL8@<@<; @DDLE@KP 8E8CPJ@J @EMFCM<J DFI< K?8E 8 J: 8M<E><I
?LEK =FI GI@FI :8J<J N@? GI<: @J<CP K?< J8D< =8: KJ Casey v. City of Fed.
Heights _____ ! ; _____ K? @ /?< DFI< F9M@FLJCP
<>I<>@FLJ K?< : FE; L: K @E @>?K F= GI<M8@<@E> : FEJK@KLK@FE8C GI@E: @G<J K?<
C<JJ JG<: @<@<@P @J I<HL@< ; =IFD GI@FI :8J< C8N KF :C<8ICP <JK89C@J? K?<
M@FC8K@FE Perea v. Baca _____ ! ; 8K

<: 8LJ< K?< @EHL@IP : FE: <IEJ K?< F9A<: K@M< I<8JFE89C<E<JJ F= K?<
F==@: <IJX 8: K@FEJ K?< 8E8CPJ@J @J @D@< ; KF UK?< =8: KJ K?8K N<I<
knowable"Z[KF K?< F==@: <IJ 8K K?< K@D< White v. Pauly _____ . K 8K

! FI GLIGFJ<J F= HL8@<@<; @DDLE@KP 8 I<8JFE89C< F==@: <I @J 8 N<CC
KI8@E<; F==@: <I Malley v. Briggs _____ O . _____ S Groh v.
Ramirez _____ O . _____ Hope v. Pelzer _____ O . _____ 8E;
Wilson v. Layne _____ O . _____ I<CP@E> @E G8IK FE F==@: <IJ 8: KL8C FI
: FEJKIL: K@M< 8N8I<E<JJ F= GFC@: @<J FI KI8@E@E>

Z[UFI :FLC; ?8M< 9<<E BEFNE V Kingsley v. Hendrickson _____ . K
_____/?@J @E: CL; <J @E=FID8K@FE @E K?< GFJJ<JJ@FE F= FK?<I
F==@: <IJ LE; <I K?< U: FCC<: K@M< BEFNC<; ><V ; F: KI@E< United States v.
Sutton _____ ! ; _____ K? @ United States v. Ramirez
_____/?@J @E: CL; <J @E=FID8K@FE @E K?< GFJJ<JJ@FE F= FK?<I
N?<K?<I 68EP7 @E=FID8K@FE N8J 8: KL8CCP : FDDLE@: 8K<; KF K?< F==@: <I
: FE; L: K@E> K?< JKFG J<8I: ? FI 8II<JK 8K C<8JK 6N7?<E K?<I< ?8J 9<<E
: FDDLE@: 8K@FE 8DFE> 8><EKJ 8J @J K?< :8J< ?<I<

CK?FL>? GFC@.@<J 8E; KI8@E@E> D8K<I@8CJ 8I< EFK ; @JGFJ@k@M< K?@
FLIK D8P : <IK8@ECP :FEJ@; <I 8 GFC@.< ; <G8IKD<EK J FNE >L@; <C@E<J
N?<E <M8CL8K@E> N?<K?<I 8 G8IK@.LC8I LJ< F= =FI :< @J :FEJK@LK@FE8CCP
LEI<8JFE89C< *Drummond v. City of Anaheim* ! ; 8K_____

J K?< ! @K? @I:L@K JK8K<; U@K D8P 9< ; @==@. LCK KF :FE:CL; <
K?8K K?< F==@.<IJ 8:K<; I<8JFE89CP @ K?<P G<I=FID<; 8E 8:K@FE
K?8K ?8; 9<<E 98EE<; 9P K?<@I ; <G8IKD<EK FI F= N?FJ<
>8E><IJ @E K?<J< :@I:LDJK8E:<J K?<P ?8; 9<<E N8IE<;
Gutierrez v. City of San Antonio ! ; _____ K? @
.<< 8CJF *Scott v. Henrich* ! ; _____ K? @
/?LJ @ 8 GFC@.< ; <G8IKD<EK C@D@KJ K?< LJ< F=
: ?FB<?FC; J KF GIFK<:K JLJG<:KJ =IFD 9<@E> =8K8CCP @EALI<;
JL:? I<>L@8K@FEJ 8I< ><ID8E< KF K?< I<8JFE89C<E<JJ @EHL@IP
@E 8E <0:<JJ@M< =FI:< :C8@D

Id.

. << 8CJF *Headwaters Forest Def. v. Cnty. of Humboldt* ! ; _____
_____ K? @I _____ ?FC; @E> I@?K :C<8ICP <JK89C@J?<; @E G8IK K?IFL>?
I<>@FE8C 8E; JK8K< N@; < GFC@.< GI8:K@.<

2?<E @K :FD<J KF 8II<JKJ @E <JK89C@J?@E> GIF989C< :8LJ< F==@.<IJ
?8M< 8E UFE>F@E> ; LK@RV @<EFC@.< ; AA^T C@JG<<F453851OOAO1464O4C4BE4 <3F

<E 98E: /?< F==@<I DLJK :FEJ@, <I K?< KFK8C@KP F= K?<
 :@I: LDJK8E: <J I<: F>E@E> 9FK? K?< @E: LCG8KFIP 8E; <O: LCG8KFIP
 <M@; <E: < 9<=FI< ; <K<ID@E@E> @- ?< ?8J GIF989C< :8LJ< KF D8B< 8E
 8II<JK *Parsons v. City of Pontiac* ! K? @I
 *==@<IJ :FEK<DGC8K@E> 8E 8II<JK :8EEFK W, @JI<>8I; GC8@ECP <O: LCG8KFIP
 <M@; <E: < <M<E @- JL9JK8EK@8C @E: LCG8KFIP <M@; <E: < JK8E; @E> 9P @KJ<C=
 JL>><JKJ K?8K GIF989C< :8LJ< <O@JKJ *Womack v. City of Bellefontaine*
Neighbors ! K? @I *==@<IJ J?FLC; EFK 9<
 G<ID@K<; KF KLIE 8 9C@E; <P< KF <O: LCG8KFIP @E=FID8K@FE K?8K @J
 8M8@89C< KF K?<D 8E; @EJK<8; JLGGFIK K?<@I 8:K@FEJ FE J<C<:K<; =8:KJ
 K?<P :?FJ< KF =F: LJ LGFE *Kingsland v. City of Miami* !
 K? @I

. L: ? GI@E: @GC<J CF>@. M8CCP 8GGCP KF K?< HL8C@-@; @DDLE@KP 8E8CPJ@J
 I<8JFE89C< ALIP :FLC; :FE:CL; < K?8K @K N8J BEFN89C< KF
 -<JGFE; <EKJ K?8K . /- (N8J ; @J89C<; =FI J<M<I8C I<8JFEJ #@J (1
 @JL<; ; @J89C<; GC8:8I; N8J GIFD@E<EKCP ; @JGC8P<; @E K?< N@E; J?@<; F=
 ?@J :8I -<JGFE; <EKJ ?8; KF D8E<LM<I 8IFLE; K?@J :8I (I LI8E 8E;
 . /- (JG<: @- 8CCP KFC; K?<D ?< ?8; 8 ?<8IK :FE; @K@FE 8E; G8:<D8B<I
 (I LI8E 8JB<; K?<D EFK KF LJ< 8 / . - =FI K?8K I<8JFE . /- (K
 KI@; KF K<CC K?<D 89FLK ?@J J?FLC; <I @DDF9@KP /?<P :FLC; ?8M<
 :FEJ@, <I<; K?< N8P ?< N8CB<; KFN8I; K?<D N?<E ?< <O@K<; K?< N8P ?@J
 E<:B @J KN@JK<; K?< N8P ?< DFM<J ?@J 8IDJ ?@J ; <=FID<; =<<K FI K?<
 M@J@9C< CLDG @E ?@J :?<JK N?<I< ?@J G8:<D8B<I ; <=@9I@C8KFI @J

@DGC8EK<; /?< ALIP :FLC; 8CJF :FE:CL; < @ NFLC; ?8M< 9<<E I<8JFE89C<
=FI K?<D KF 8JB ; @JG8K: ? N?@< K?<P N<I< N8@<E> KF :8CC K?< ; F: KFIJ
F=@: < 8E; =@E; FLK ?@J <08:K D<; @: 8C :FE; @<@FE @JG8K: ? 8CJF BE<N K?8K
?< N8J :8CD@E> ; FNE 8E; JG<8B@E> KF K?< ; F: KFI FE K?< K<C<G?FE<

/?< I@?K KF 9< =I<< =IFD 8GGC@: 8K@FE F= EFE KI@M@8C =FI: < =FI <E>8>@E>
@E D<I< G8JJ@M< I<J@JK8E: <V N8J :C<8ICP <JK89C@J?<; GI@FI KF) FM<D9<I

Gravelet-Blondin v. Shelton ! K? @
Nelson v. City of Davis ! K? @ D<I< G8JJ@M<
I<J@JK8E: <

/?< LJ< F= ; @JGIFGFIK@FE8K< =FI: < LGFE 8E @E; @M@; L8C N?F ?8J EFK
:FDD@KK<; 8 J<I@FLJ :I@D< 8E; GFJ<J EF ; 8E><I KF ?<IJ<C= FI FK?<IJ
:FEJK@LK<J <0: <JJ@M< =FI: < . << *Fogarty v. Gallegos* !

K? @ 8II<JK<< :FDD@KK<; 8 G<KKP D@J; <D<8EFI GFJ<; EF
K?I<8K KF FK?<IJ 8E; ; @; EFK I<J@JK 8II<JK *Perea v. Baca* ! ; 8K
 Casey v. City of Fed. Heights ! ; 8K U:FE; L:K N8J EFK 8
J<M<I< :I@D< S @ @ 8DFLEK<; KF 8 :I@D< 8K 8CC V *Blankenhorn v. City of*
Orange ! ; 8K

\$E *Meredith v. Erath* ! ; \$- . 8><EK 18K? ?8; 8 N8II8EK
KF J<8I: ? 8 9L@; @E> =FI <M@; <E: < F= @E: FD< K80 M@FC8K@FEJ (J P9<<

\$E *Shafer v. Cnty. of Santa Barbara* ! ; K?< FLIK LG?<C;
K?< KI@8C ALIP J =@E; @E> K?8K LE; <I K?< KFK8C@KP F= K?< :@: LDJK8E: <J K?<
<GLK@<J : FE; L:K : FEJK@KLK<; <O: <JJ@M< =FI: < #FN<M<I 8J KF GIF E> KNF
K?< FLIK ?<C; K?8K 8E F==@. <I ; F<J EFK M@FC8K< :C<8ICP <JK89C@J?<; C8N
N?<E ?< UGIF>I <JJ@M<CP @E: I<8J<J ?@J LJ< F= =FI: < =IFD M<I98C
:FDD8E; J KF 8E 8ID >I89 8E; K?<E 8 C<> JN<<G D8E<LM<I KF K8B< 8E
@E; @M@, L8C KF K?< >IFLE; N?<E 8 D@J; <D<8E8EK I<=LJ<; KF :FDGCP N@K?
K?< F==@. <I J FI; <IJ JF CFE> 8J ?< FI J?< <E: FLEK<IJ U8 :?8CC<E>@E>
<EM@IFED<EK FI 8E 8:K F= G?PJ@. 8C I<J@JK8E: < FI F9JKIL: K@FE 9P K?<
8II<JK<<V 8E; U?8J GIF989C< :8LJ< KF 8II<JKV K?< @E; @M@, L8C =FI
:FDD@KK@E> 8 :I@D< F= M@FC<E: <Z_

\$E Shafer

; @; . / - (\J K8B<; FNE - 8K?<I 8 I<8JFE89C< ALIFI :FLC; :FE:CL; <
+C8@EK@= N8J FECP GC<8; @E> KF 9< ?8E; C<; 8E; ?8E; :L==<; @E 8 =8J?@FE
K?8K ; @; EFK <08:<I98K< ?@J @EALI@J *Fisher v. City of Las Cruces* _____
! ; 8K

; <K8@E<< J D<EK8C @CE<JJ DLJK 9< I<=C<:K<; @E 8EP 8JJ<JJD<EK F=
K?< >FM<IED<EK J @EK<I<JK @E K?< LJ< F= =FI:< U M<E N?<E 8E
<DFK@FE8CCP ; @JKLI9<; @E; @M@; L8C @J 8:K@E> FLK 8E; @EM@K@E> F==@.<IJ KF
LJ< ; <8; CP =FI:< KF JL9; L< ?@D K?< >FM<IED<EK8C @EK<I<JK @E LJ@E> JL: ?
=FI:< @J ; @D@E@J?<; 9P K?< =8:K K?8K K?< F==@.<IJ 8I< :FE=IFEK<; EFK N@K?
8 G<IJFE N?F ?8J :FDD@K<; 8 J<I@FLJ :I@D< 8>8@EJK FK?<IJ 9LK N@K? 8
D<EK8CCP @C @E; @M@; L8C *Deorle v. Rutherford* _____ ! ; 8K

\$E *Drummond v. City of Anaheim* _____ ! ; 8 E<@>?9FI :8CC<;
GFC@.< 9<:8LJ< ?< =<8I<; GC8@EK@= N?F ?8; 8 ?@JKFIP F= D<EK8C @CE<JJ
NFLC; ?LIK ?@DJ<C= 9P ; 8IK@E> FLK @EKF KI8==@. ! FLI F==@.<IJ I<JGFE; <;
8E; =FLE; GC8@EK@= LE8ID<; ?8CC@: @E8K@E> 8E; @E 8E 8>@K8K<; JK8K<
<=FI< K?< 8D9LC8E:< 8II@M<; FE< F= K?< F==@.<IJ :?FJ< KF I<JKI8@E
GC8@EK@= 9P ?8E; :L==@E> ?@D BEF:B@E> ?@D KF K?< >IFLE; 8E; GC8:@E>

?@J BE<<J FE GC8@EK@= J 9F; P 8CC N@K?FLK N8IE@E> OCK@D8K<CP K?< :FLIK
; <E@; HL8C@-@; @DDLE@K P 8E; =FLE; K?8K K?< F==@; <IJ ?8; =8@I N8IE@E>
K?8K K?< =FI: < K?<P LJ<; N8J <0: <JJ@M<

\$E K?@J : 8J< N< I<:F>E@< K?8K JFD< ; <>I<< F= G?PJ@; 8C
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=IFD @EALI@E> ?@DJ<C= \$E K?< : 8J< F= D<EK8CCP LE98C8E: <;
G<IJFEJ K?< LJ< F= F==@; <IJ 8E; FK?<IJ KI8@E<; @E K?< 8IK F=
: FLEJ<C@E> @J FI; @E8I@P 8; M@J89C< N?<I< =<8J@9C< 8E; D8P
GIFM@; < K?< 9<JK D<8EJ F= <E; @E> 8 : I@J@ 2< ; F EFK
8; FGK 8 G<I J< ILC< <JK89C@J?@E> KNF ; @-<I<EK : C8JJ@-@; 8K@FEJ
F= JLJG<; KJ D<EK8CCP ; @J89C<; G<IJFEJ 8E; J<I@FLJ : I@D@E8CJ
\$EJK<8; N< <DG?8J@Q< K?8K N?<I< @K @J FI J?FLC; 9< 8GG8I<EK
KF K?< F==@; <IJ K?8K K?< @E; @M@; L8C @EMFCM<; @J <DFK@FE8CCP
; @JKLI9<; K?8K @J 8 =8: KFI K?8K DLJK 9< : FEJ@; <I<; @E
; <K<ID@E@E> LE; <I " I8?8D K?< I<8JFE89C<E<JJ F= K?< =FI: <
<DGCFFP<;

Drummond v. City of Anaheim ! ; 8K J<< 8CJF *Glenn v.*
Washington Cnty. ! ; 8K S *Hayes v. Cnty. of San Diego*

?8E; :L==@E> UJL9JK8EK@8CCP 8>>I8M8K<J K?< @EKILJ@M<E<JJ F= 8E FK?<IN@<
IFLK@E< @EM<JK@>8KFIP ; <K<EK@FE 8E; @J EFK G8IK F= 8 KPG@. 8C /<IIP JKFG V
United States v. Bautista ! ; K? @I Z

#8E; :L==J D8P 9< ALJK@-@<; ; LI@E> 8 ; <K<EK@FE @ 8E F==@. <I I<8JFE89CP
9<@M<J 8 JLJG<:K @J 8ID<; 8E; ; 8E><IFLJ FI @ UI<JKI8@EKJ 8I<
E<: <JJ8IP =FI JFD< FK?<I C<>@D8K< GLIGFJ< V C@B< F==@. <I J8=<KP
Bennett v. City of Easpointe ! ; K? @I

#FN<M<I K?<@I LJ< DLJK 8CN8PJ 9< UALJK@-@<; 9P K?< KFK8C@KP F= K?<
:@I: LDJK8E: <J V *Meredith v. Erath* ! ; 8K

/?<) @EK? @I: L@K ?8J CFE> I<: F>E@Q<; K?8K UK@>?K ?8E; :L==@E> :8E
:FEJK@LK< <0: <JJ@M< =FI: <V 8E; I<HL@I<J K?8K K?< D8KK<I >F KF 8 ALIP
N?<E K?< 8II<JK<< N8J <@K?<I @E M@J@9C< G8@E :FDGC8@E<; F= G8@E 8C<IK<;
K?< F==@. <I KF GI< <O@JK@E> @EALI@<J ; :L9C8@E<; ãJK<< N8J 3OJK D@C<IK6& @ ÄÏÏ#DB

K? @l ; @8CPJ@J G8K@EK @E=FID<; K?< F==@. <IJ F= ?@J
D<; @.8C :FE; @K@FE N8J J08DD<; 8>8@EJK 8 :8I ?8; C<>J B@.B<; 8G8IK
N8J :8II@; 8E; GLJ?<; @EKF K?< 98:B F= 8 GF0@.< :8I N@K? ?@J ?8E; J
9<?@E; ?@J 98:B 8E; I<D8@E<; @E K@>?K ?8E; :L==J =FI =FIKP =@M< D@ELK<J
KF 8E ?FLI ; <JG@K< I<G<8K<; I<HL<JKJ KF ?8M< K?< ?8E; :L==J CFFJ<E<; FI
I<DFM<; *Baldwin v. Placer Cnty.* ! ; K? @l *Wall v.*
Cnty. of Orange ! ; F==@. <I K8:BC<; G08@EK@== =IFD 9<?@E;
KN@JK<; ?@J I@>?K 8ID 9<?@E; ?@J 98:B =FI:<; ?@D =8:< ; FNE @EKF 8
G8KIFC :8I ?8E; :L==<; ?@D K@>?KCP 8E; K?<E C<=K ?@D @E 8E KF
; <>I<< GF0@.< :8I =FI KN<EKP D@ELK<J

J K?< =FCCFN@E> :8J<J D8B< :C<8I 8E 8II<JK<< J GI< <0@JK@E> @EALI@<J
FI C8:B F= K?I<8K @ BEFNE FI F9A<:K@M<CP F9J<IM89C< KF K?< F==@. <I NFLC<;
JLGGFIK 8E <0:<JJ@M< =FI:< :C8@D 98J<; LGFE K?<@l 8>>I8M8K@FE

/?<I< @J 8 ><E<I8C :FEJ<EJLJ 8DFE> :FLIKJ KF ?8M< 8; ; I<JJ<; K?<
@JL< K?8K FK?<IN@J< I<8JFE89C< =FI:< LJ<; @E ?8E; :L==@E> 8 JLJG<:K D8P

9< LEI<8JFE89< N?<E LJ<; 8>8@EJK 8 JLJG<:K N?FD K?< F==@.<I BEFNJ KF
9< @EALI<; 8K C<8JK 8J @J K?< :8J< ?<I< N?<E JLJG<:KJ <@K?<I ?8M<
M@J@9C< @EALI@<J FI 8I< :FFG<I8K@E> @E K?<@I 8II<JKJ Z]

\$E *Walton v. City of Southfield* ! ; K? @ 8
NFD8E 9<@E> 8II<JK<; =FI 8 KI8==@. M@F(8K@FE 8JB<; EFK KF ?8M< ?<I 8IDJ
?8E; :L==<; 9<?@E; ?<I 98:B 9<:8LJ< F= 8 GI@FI @EALIP /?< FLIK ?<C<;
E <0:<JJ@M< LJ< F= =FI:< :C8@D :FLC<; 9< GI<D@J<; FE 6K?< F==@.<I J7
?8E; :L==@E> 6K?< GC8@EK@=7 @ ?< BE<N K?8K J?< ?8; 8E @EALI<; 8ID 8E; @
?< 9<C@M<; K?8K J?< GFJ<; EF K?I<8K KF ?@D

\$E *Guite v. Wright* ! ; K? @ K?< FLIK
G<ID@K<; 8E <0:<JJ@M< =FI:< :C8@D N?<I< ; <JG@K< 8 M@J@9C< J?FLC<; <I

K?8K ?< :FLC; EFK ; F JF 9<:8LJ< ?< ?8; 8 J?FLC; <I @EALIP /?< KIFFG<IJ
=FI:<; ?@D FEKF K?< ?FF; F= ?@J :8I 8E; FE< =FI:<; ?@J 8ID LG 2?<E ?<
J:I<8D<; @E G8@E K?< KIFFG<I 8GGC@<; >I<8K<I GI<JJLI< GLDG@E> ?@J
8ID LG 8E; ; FNE /?< :FLIK ?<C; K?8K K?< KIFFG<IJ :FLC; EFK ?8M<
:FE:CL; <; K?8K K?< LJ< F= =FI:< N8J ALJK@<<; V6 7 M<I98C I<=LJ8C KF
:FDGCP FE >IFLE; J F= G?PJ@. 8C @DGFJJ@9@<KP ; F<J EFK ALJK@P K?< B@E; F=
D8E?8E; C@E> K?8K 2@EK<IIFN; :C8@DJ K?< F==@. <IJ @E=@<. K<; FE ?@D V
J<< 8CJF *Fisher v. City of Las Cruces* ! ; 8K U\$K @J CFE>
<JK89C@J?<; C8N F= K?< /<EK? @I:L@K 8E; FK?<I :@I:L@KJ K?8K 8 KI@89C<
:C8@D F= <0:<JJ@M< =FI:< <0@JKJ N?<I< 8 ALIP :FLC; I<8JFE89CP :FE:CL; <
K?8K K?< F==@. <I ?8E; C<; 8 :FFG<I8K@E> 8II<JK<< @E 8 D8EE<I K?8K K?<

K?8K J?< N8J ; <K8@E<; @E 8 GL9@. G8IB@E> CFK =FI KNF ?FLIJ N?@< J?<
JKFF; @E LI@E< JF8B<; G8EKJ 8J K?< 8><EK HL<JK@FE<; ?<I @E:@; <EK KF 8
J<8I: ? 89FLK ?<I GFJJ<JJ@FE F= 8 G8G<IN<@>?K K?8K :FEK8@E<; 8 JD8CC
8DFLEK F= CLE8I D8K<I@8C 2?8K ?8GG<E<; KF . /- (@J ; @==<I<EK 9LK
ALJK 8J 98; @E @KJ FNE N8P

\$E *Blankenhorn v. City of Orange* ! ; 8K K?< +C8@EK@=
N8J 8II<JK<; FE JLJG@.@FE F= D@J; <D<8EFI KI<JG8JJ *==@.<IJ >8E>
K8:BC<; ?@D LJ<; ?F99C< I<JKI8@EKJ 8E; GLE: ?<; ?@D =K<I K?<
: ?8I><J N<I< ; @JD@JJ<; ?< JL<; /?@J FLIK ; <E@<; HL8C@-@<; @DDLE@KP
?FC; @E> K?8K ?@J I@>?KJ N<I< :C<8ICP <JK89C@J?<; 8E; 8 I8K@FE8C ALIP
:FLC; =@E; K?8K K?< >8E> K8:BC< N8J LEI<8JFE89C< =FI J<M<I8C I<8JFEJ
K?< J<M<I@KP F= K?< 8CC<><; :I@D< N8J D@E@D8C ?< ; @; EFK GFJ< 8
J<I@FLJ K?I<8K KF K?< F==@.<IJ FI FK?<IJ J8=<KP K?< G8:< F= <M<EKJ
:FLC; I<8JFE89CP C<8; KF K?< :FE:CLJ@FE K?8K K?< C8K@KL; < " I8?8D
I<HL@I<J =FI JGC@K J<:FE; GFC@.< AL; >D<EKJ @E K<EJ< LE:<IK8@E FI
I8G@, CP <MFCM@E> J@KL8K@FEJ N8J EFK N8II8EK<; 8E; ?< ; @; EFK
8:K@M<CP I<J@JK 9<@E> ?8E; :L==<; 9<=FI< ?< N8J >8E> K8:BC<; J<< 8CJF
Morris v. Noe ! ; 8K KNF F==@.<IJ K?I<N (FII@J KF K?< >IFLE;

; <JG@K< K?< =8:K (FII@J UGI<J<EK<; EF K?I<8K KF F==@.<I J8=<KP 8E; ?8;

EFK <E>8><; @E 8EP JLJG@.@FLJ 8:K@M@KP VU(FII@J J I@>?K KF 9< =I<< =IFD 8

NI@KJ KF =FI:< K?<D KF JK8E; LG 8E; N8CB N?<E DFI< K?8E
GIFK<JKFIJ <E>8><; @E :FE:<IK<; <==FIK KF @EM8; < GI@M8K< GIFG<IKP 8E;
F9JKIL:K 8::<JJ KF 8 D<; @:8C =8:@@KP 8E; K?<P JL<;

FK? 8 ; @KI@:K AL; >< 8E; 8 ALIP =FLE; K?8K K?< . 8E @<>F +F@< <
<G8IKD<EK J G8@E :FDGC@8E:< GFC@:P N8J :FEJK@LK@FE8C OE; <I K?<
GFC@:P F==@:<IJ N<I< I<HL@<; =@IJK KF >@M< 6EFE M@FC<EK7 GIFK<JK<IJ 8E
FGGFIKLE@KP KF 8MF@, 8II<JK 9P C<8M@E> K?< GI<D@J<J 8=K<I 8 M<I98C
N8IE@E> /?< GFC@:< N<I< K?<E KF 8II<JK K?FJ< N?F I<=LJ<; KF C<8M< 8E;
>@M< K?<D 8EFK?<I FGGFIKLE@KP KF DFM< MFCLEK8I@P ! @E8CCP K?< GFC@:<
N<I< KF I<DFM< K?< I<D8@E@E> ; <DFEJKI8KFIJ N@K? G8@E :FDGC@8E:<
K<: ?E@HL<J @EMFCM@E> K?< 8GGC@:8K@FE F= G8@E 8J E<: <JJ8IP KF :F<I:<
DFM<D<EK

OE@B< K?< GFC@:< EFE: ?8BLJ <M8CL8K<; @E *Forrester* K?< G8@E
@E=@:K<; ?<I< N8J DFI< @EK<EJ< 8E; @J E<@K?<I CF:8C@Q<; <OK<IE8C
>I8; L8C FI N@K?@E K?< M@:K@D J :FEKIFC *Bryan v. MacPherson* ! ;
8K ! LIK?<I K?<I< N<I< EF N8IE@E>J . /- (;@, EFK I<=LJ< KF
:FDGCP 8E; K?< G8@E N8J >I8KLK@FLJ @E K?8K @K N8J EFK LJ<; KF :FGDG<C

HL@< ?@? V Shafer v. Cnty. of Santa Barbara ____!____ ; 8K ____ =E
. /- (?8J 8JJ<IK<; 8E; D<K ?@J 9LI; <E F= GIFM@E> K?8K K?@J @J JL: ? 8E
F9M@FLJ :8J<

C<8ICP <JK89C@J?<; C8N 89FLE; J 8E; F9M@FLJ :8J<J ; F EFK 8I@J< FECP
@E K?< ALI@J; @: K@FE F= I@>8; FFEZa) FI 8I< K?<J< C8N <E=FI: <D<EK
F==@: <IJ <E=FI: @E> K?< C8N @E K?< 1@C8>< F= +FK<DB@EZb

. << Pierce v. Smith ____!____ ; _____ K? @I U/?<I< ?8J
E<M<I 9<<E 8 R :8J< 8::LJ@E> N<C=8I< F==@: @8CJ F= J<CC@E> =FJK<I
: ?@; I<E @EKF JC8M<IP @K ; F<J EFK =FCCFN K?8K @ JL: ? 8 :8J< 8IFJ< K?<
F==@: @8CJ NFLC; 9< @DDLE< =IFD ; 8D8><J C@89@KP V 8CK<I8K@FE @E
FI@>@E8C

/?<I< 8I< JFD< K?@E>J K?8K 8I< ALJK :FDDFE J<EJ< +FC@: < F==@: <IJ 8I<
KI8@E<; =IFD K?<@I =@IJK ; 8P @E K?< 8:8; <DP :€

F==@. <I F= I<8JFE89@< :FDG<K<E:< :FL@; ?8M< D8; < K?< J8D< :?F@. < @E
J@D@8I :@:LDJK8E:<J *Oliveira v. Mayer* ! ; _____ ; @

:<IK ; <E@; _____ K

\$= GF@. < F==@. <IJ :8EEFK ?8E; @< JFD<FE< @B< . /- (N@?FLK ?LIK@E>
?@D EFFE< @J J8=<

/F <JK89@J? 8 98KK<IP :@8@D 8>8@EJK 8E F==@. <I @E 8@FIE@8 G G8IKP
DLJK D<<K K?< J8D< JK8E; 8I; J 8J K?FJ< LE; <I R ; JFE M @KP F=
E8?<@D _____ 8@ GG K? _____ S

GG<@8EK J JK8K< @8N :@8@D @J 98J<; LGFE K?< J8D< =8:KJ 8J K?< R
:@8@DJ \$E K?< @JKI@.K FLIK K?< G8IK@J 8>I<<; K?8K K?< KNF
:@8@DJ J?FL@; 9< I<JFCM<; @, <EK@.8CCP =@E; @E> F= HL8@=; @DDLE@KP
; F<J EFK @DG8:K K?< I<D8@E@E> JK8K< :@8@D U8K 8CC V S.B. 8K =E
:@@E> *Johnson v. Bay Area Rapid Transit Dist.* ! ; _____

K? @ 6/7?< ; F:KI@E< F= HL8@=; @DDLE@KP ; F<J EFK J?@<;
; <=<E; 8EKJ =IFD JK8K< @8N :@8@DJ

/?< <:@8I8K@FE F= \$E; <G<E; <E:< GIF:@8@DJ K?8K U:<IK8@E KILK?JV 8I<
UJ<@= <M@; <EK V \$E JF GIF:@8@D@E> K?< ! FLE; <IJ I<:F>E@Q<; K?8K

- <JG<:K=LCCP JL9D@KK<;

8K<; ! <9IL8IP

P _____

+LIJL8EK KF ! <; - GG + ILC< 8 8E;)@EK? @I:L@K - LC<
 ILC< _S K?@J * G<E@E> I@=< @J GIFGFIK@FE8K<CP JG8:<; ?8J 8 KPG<=8:<
 F= GF@EKJ FI DFI< 8E; 8::FI; @E> KF K?< NFI; GIF:<JJ@E> GIF>I8D
 LJ<; KF GI<G8I< @K :FEK8@EJ NFI; J
 O<:LK<; LE; <I G<E8CKP F= G<IALIP FE ! <9IL8IP 8K . 8E
 @<>F 8C@FIE@8

- <JG<:K=LCCP JL9D@K<;

8K<; ! <9IL8IP

P J &<@K? # - LKD8E

& \$/# # - O/()

KKFIE<P =FI +C8@EK@= GG<CC8EK
/\$ (* /#4 . /- (

- <JG<:K=LCCP JL9D@KK<;

\$; <:C8I< K?8K \$ 8D FM<I K?< 8>< F= <@?K<<E P<8IJ 8E; EFK 8 G8IKP KF
K?@J 8:K@FE (P 9LJ@E<JJ 8; ; I<JJ @J 2<JK IF8; N8P . K< . 8E
@>F 8C@FIE@8 S * E ! <9IL8IP \$ <C<: KIFE@. 8CCP
=<C<; K?< @EJK8EK ++ ' ') / . * +) \$) " - \$! N@K? K?< C<IB F=
K?< FLIK =FI K?< OE@K<; . K8K<J FLIK F= GG<8CJ =FI K?<) @EK? @I : L@K
9P LJ@E> K?< 8GG<CC8K< (! JPJK<D \$: <IK@P K?8K 8CC G8IK@. @G8EKJ @E
K?< : 8J< 8I< I<>@JK<I<; (! LJ<IJ 8E; K?8K J<IM@. < N@C 9<
8: : FDGC@J?<; 9P K?< 8GG<CC8K< (! JPJK<D

O<: LK<; LE; <I G<E8CKP F= G<IALIP LE; <I K?< C8NJ F= K?< OE@K<;
. K8K<J FE ! <9IL8IP 8K . 8E @>F 8C@FIE@8

- <JG<: K=LCCP JL9D@K<;

8K<; ! <9IL8IP

P J &<@K? # - LKD8E

& \$/# # - O/()

KKFIE<P =FI +C8@EK@= GG<CC8EK
/\$ (* / # 4 . / - (