

Syllabus

KIMBERLIN *v.* QUINLAN ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

No. 93–2068. Argued April 26, 1995—Decided June 12, 1995

6 F. 3d 789, vacated and remanded.

Howard T. Rosenblatt argued the cause for petitioner. With him on the briefs were *Jerrold J. Ganzfried* and *Ellen S. Winter*.

Deputy Solicitor General Bender argued the cause for the United States as *amicus curiae* urging reversal. With him on the brief were *Solicitor General Days*, *Assistant Attorney General Hunger*, and *Cornelia T. L. Pillard*.

Michael L. Martinez argued the cause for respondents. With him on the brief were *Steven D. Gordon* and *William J. Dempster*.*

**Anthony C. Epstein*, *Steven R. Shapiro*, *Arthur B. Spitzer*, *Leslie A. Brueckner*, and *Marc D. Stern* filed a brief for the American Civil Liberties Union et al. as *amici curiae* urging reversal.

A brief of *amici curiae* urging affirmance was filed for the State of Hawaii et al. by *Margery S. Bronster*, Attorney General of Hawaii, and *Girard D. Lau*, Deputy Attorney General, *Winston Bryant*, Attorney General of Arkansas, *Daniel E. Lungren*, Attorney General of California, *M. Jane Brady*, Attorney General of Delaware, *Alan G. Lance*, Attorney General of Idaho, *Pamela Carter*, Attorney General of Indiana, *Carla J. Stovall*, Attorney General of Kansas, *Chris Gorman*, Attorney General of Kentucky, *Hubert H. Humphrey III*, Attorney General of Minnesota, *Mike Moore*, Attorney General of Mississippi, *Jeremiah W. Nixon*, Attorney General of Missouri, *Joseph P. Mazurek*, Attorney General of Montana, *Jeffrey R. Howard*, Attorney General of New Hampshire, *Victoria A. Graffeo*, Attorney General of New York, *Betty D. Montgomery*, Attorney General of Ohio, *Drew Edmondson*, Attorney General of Oklahoma, *Jeffrey B. Pine*, Attorney General of Rhode Island, *Mark Barnett*, Attorney General of South Dakota, *Jan Graham*, Attorney General of Utah, *Jeffrey L. Amestoy*, Attorney General of Vermont, *James S. Gilmore III*, Attorney General of Virginia, *James E. Doyle*, Attorney General of Wisconsin, *Richard Weil*, Attorney General of the Commonwealth of the Northern

Per Curiam

PER CURIAM.

The judgment is vacated, and the case is remanded to the United States Court of Appeals for the District of Columbia Circuit for further consideration in light of *Johnson v. Jones*, *ante*, p. 304.

Mariana Islands, and *Alva A. Swan*, Acting Attorney General of the Virgin Islands.