

(ORDER LIST: 534 U.S.)

TUESDAY, JANUARY 29, 2002

CERTIORARI DENIED

01-7987      ANDERSON, STEVEN W. V. DAVIS, GOV. OF CA, ET AL.  
(01A561)

The application for stay of execution of sentence of death presented to Justice O'Connor and by her referred to the Court is denied. The petition for a writ of certiorari is denied.

Justice Scalia took no part in the consideration or decision of this application and this petition.

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TUESDAY, JANUARY 29, 2002

ORDER IN PENDING CASE

01-309 HOPE, LARRY V. PELZER, MARK, ET AL.

The order granting the petition for a writ of certiorari is amended as follows:

“The petition for a writ of certiorari is granted limited to the following questions:

1. Whether state officials sued in their individual capacities under 42 U. S. C. §1983 are entitled to qualified immunity unless they have violated statutory or constitutional rights ‘clearly established’ by a case presenting facts ‘materially similar’ to those in the plaintiff’s case.
2. Whether under the circumstances that must be taken as true at the summary judgment stage of this case, tying a prisoner to a ‘hitching post’ violates ‘clearly established’ constitutional rights for purposes of qualified immunity under 42 U. S. C. §1983.”