

**03-636 JOHNSON V. CALIFORNIA**

DECISION BELOW: 321 F3d 791

LOWER COURT CASE NUMBER: 01-56436

**QUESTION PRESENTED:**

1. Is a state's practice of routine racial segregation of state prisoners for at least a 60-day period subject to the same strict scrutiny generally applicable to all other challenges to intentional racial segregation, or is it excused from such scrutiny and subject only to the more relaxed review afforded under *Turner v. Safley*, 482 U.S. 78 (1987)?
2. Does California's practice of routine racial segregation of state prisoners for at least a 60-day period violate the Equal Protection Clause?

CERT. GRANTED 3/1/2004