

04-278 CASTLE ROCK, CO V. GONZALES

DECISION BELOW: 307 F3d 1258

LOWER COURT CASE NUMBER: 01-1053

QUESTION PRESENTED:

1. Whether, in conflict with decisions of the Sixth, Seventh, Eighth, and D.C. Circuits, the Tenth Circuit's decision permitting a procedural due process claim against a local government for its failure to protect the holder of a partial restraining order from private violence, when the State itself provides no such remedy, so circumvents as to effectively repudiate this Court's holding in *DeShaney* rejecting a similar substantive due process claim?
2. If the Fourteenth Amendment's Due Process Clause is read to permit, via its procedural aspects, the same substantive claims already rejected by this Court in *DeShaney*, what kind of process is required for police inaction with respect to a partial restraining order not to violate the constitution?

CERT. GRANTED 11/1/2004