

Statement of ALITO, J.

SUPREME COURT OF THE UNITED STATES

MOUNT SOLEDAD MEMORIAL ASSOCIATION *v.*
STEVE TRUNK, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT
TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH
CIRCUIT

No. 13–1061. Decided June 30, 2014

The petition for a writ of certiorari before judgment is denied.

Statement of JUSTICE ALITO respecting the denial of the petition for a writ of certiorari before judgment.

This case came before us two years ago, see 567 U. S. ____ (2012), and at that time I issued a statement respecting the denial of certiorari. I noted that although the “Court’s Establishment Clause jurisprudence is undoubtedly in need of clarity,” certiorari was not yet warranted in this case “[b]ecause no final judgment has been rendered and it remains unclear precisely what action the Federal Government will be required to take.” *Id.*, at ____ (slip op., at 2, 3).

Since that time, the District Court has issued an order requiring the memorial to be removed, but it has stayed that order pending appeal. The Court of Appeals has not yet reviewed that order on appeal. Seeking to bypass that step, petitioner seeks certiorari before judgment. In my view, it has not met the very demanding standard we require in order to grant certiorari at that stage. In light of the stay, any review by this Court can await the decision of the Court of Appeals. I therefore agree with the Court’s decision to deny the petition.