

04-473 GARCETTI V. CEBALLOS

DECISION BELOW: 361 F3d 1168

LOWER COURT CASE NUMBER: 02-55418

QUESTION PRESENTED:

1. Should a public employee's purely job-related speech, expressed strictly pursuant to the duties of employment, be cloaked with First Amendment protection simply because it touches on a matter of public concern, or should First Amendment protection also require the speech to be engaged in "as a citizen", in accordance with this Court's holdings in *Pickering v. Board of Education*, 391 U.S. 563 (1968) and *Connick v. Myers*, 461 U.S. 138 (1983)?
2. Is immediate review by this Court necessary to address the growing inter-circuit conflict on the question of whether a public employee's purely job-related speech is constitutionally protected, especially where the lack of uniformity dramatically impacts the ability of all public employers to effectively manage their respective agencies?

ORIGINAL ARGUMENT 10/12/2005 <http://www.court.gov/arguments/term2005/04-473.pdf> ORDER OF 2/17/06: THIS CASE IS RESTORED TO THE CALENDAR FOR REARGUMENT.

CERT. GRANTED 2/28/2005