17-1702 MANHATTAN COMMUNITY ACCESS V. HALLECK

DECISION BELOW: 882 F.3d 300

LOWER COURT CASE NUMBER: 16-4155

QUESTION PRESENTED:

1. Whether the Second Circuit erred in rejecting this Court's state actor tests and instead creating a *per se* rule that private operators of public access channels are state actors subject to constitutional liability.

2. Whether the Second Circuit erred in holding- contrary to the Sixth and D.C. Circuits- that private entities operating public access television stations are state actors for constitutional purposes where the state has no control over the private entity's board or operations.

CERT. GRANTED 10/12/2018