

23-1122 FREE SPEECH COALITION V. PAXTON

DECISION BELOW: 95 F.4th 263

LOWER COURT CASE NUMBER: 23-50627

QUESTION PRESENTED:

This Court has repeatedly held that States may rationally restrict minors' access to sexual materials, but such restrictions must withstand strict scrutiny if they burden adults' access to constitutionally protected speech. See, e.g., *Ashcroft v. ACLU*, 542 U.S. 656, 663 (2004). In the decision below, the Fifth Circuit applied rational-basis review-rather than strict scrutiny-to vacate a preliminary injunction of a provision of a Texas law that significantly burdens adults' access to protected speech, because the law's stated purpose is to protect minors. The question presented is:

Whether the court of appeals erred as a matter of law in applying rational-basis review to a law burdening adults' access to protected speech, instead of strict scrutiny as this Court and other circuits have consistently done.

CERT. GRANTED 7/2/2024