

Syllabus

TOLENTINO *v.* NEW YORK

CERTIORARI TO THE COURT OF APPEALS OF NEW YORK

No. 09–11556. Argued March 21, 2011—Decided March 29, 2011

Certiorari dismissed. Reported below: 14 N. Y. 3d 382, 900 N. E. 2d 708.

Kristina Schwarz argued the cause for petitioner. With her on the briefs were *Steven Banks*, *Andrew C. Fine*, *Lawrence T. Hausman*, and *Richard Joselson*.

Caitlin J. Halligan argued the cause for respondent. With her on the brief were *Cyrus R. Vance, Jr.*, *Hilary Hassler*, *Alan B. Gadlin*, *Eleanor J. Ostrow*, and *Allen J. Vickey*.

Pratik A. Shah argued the cause for the United States as *amicus curiae* urging affirmance. With him on the brief were *Acting Solicitor General Katyal*, *Assistant Attorney General Breuer*, *Deputy Solicitor General Dreeben*, and *Scott A. C. Meisler*.*

**Marc Rotenberg* filed a brief for the Electronic Privacy Information Center et al. as *amici curiae* urging reversal.

Briefs of *amici curiae* urging affirmance were filed for the State of Massachusetts et al. by *Martha Coakley*, Attorney General of Massachusetts, and *Randall E. Ravitz*, Assistant Attorney General, by *William H. Ryan, Jr.*, Acting Attorney General of Pennsylvania, and by the Attorneys General for their respective States as follows: *Luther Strange* of Alabama, *John J. Burns* of Alaska, *John Suthers* of Colorado, *Joseph R. Biden III* of Delaware, *Pamela Jo Bondi* of Florida, *David M. Louie* of Hawaii, *Lawrence G. Wasden* of Idaho, *Gregory F. Zoeller* of Indiana, *James D. “Buddy” Caldwell* of Louisiana, *Douglas F. Gansler* of Maryland, *Chris Koster* of Missouri, *Steve Bullock* of Montana, *Jon Bruning* of Nebraska, *Catherine Cortez Masto* of Nevada, *Paula T. Dow* of New Jersey, *Gary K. King* of New Mexico, *E. Scott Pruitt* of Oklahoma, *Alan Wilson* of South Carolina, *Marty J. Jackley* of South Dakota, *Greg Abbott* of Texas, *Mark L. Shurtleff* of Utah, *Kenneth T. Cuccinelli II* of Virginia, *J. B. Van Hollen* of Wisconsin, and *Bruce A. Salzburg* of Wyoming; for the Criminal Justice Legal Foundation by *Kent S. Scheidegger*; and for the New York State Association of Chiefs of Police, Inc., et al. by *Meir Feder*.

Per Curiam

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

It is so ordered.