

**FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PATRICIA E. GENTALA and
ROBERT A. GENTALA,
Plaintiffs-Appellants-
Cross-Appellees,

v.
THE CITY OF TUCSON,

Defendant-Appellee-
Cross-Appellant.

Nos. 97-17062
97-17069

D.C. No.
CV-97-00327-FRZ

ORDER

Filed January 8, 2002

Before: Mary M. Schroeder, Chief Judge,
Ferdinand F. Fernandez, Thomas G. Nelson,
Andrew J. Kleinfeld, Barry G. Silverman, Susan P. Graber,
M. Margaret McKeown, Kim McLane Wardlaw,
William A. Fletcher, Ronald M. Gould, and
Marsha S. Berzon, Circuit Judges.

ORDER

The motion for further briefing and oral argument is
DENIED.

This case is before us on remand from the United States
Supreme Court. Gentala v. City of Tucson, _____ U.S._____, 122
S.Ct. 340, _____ L.Ed. _____ (2001). We remand to the district
court for reconsideration in light of Good News Club v. Mil-
ford Central School, 533 U.S. _____, 121 S.Ct. 2093, 150
L.Ed.2d 151 (2000), including such evidentiary proceedings

as may be appropriate.

Judge Fernandez dissents.