

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

MITCHELL BARNES-WALLACE;  
MAXWELL BREEN,  
*Plaintiffs-Appellees,*

v.

CITY OF SAN DIEGO,  
*Defendant,*

and

BOY SCOUTS OF AMERICA-DESERT  
PACIFIC COUNCIL,  
*Defendant-Appellant.*

No. 04-55732

D.C. No.  
CV-00-01726-  
NAJ/AJB  
Southern District of  
California,  
San Diego

MITCHELL BARNES-WALLACE;  
MAXWELL BREEN; LORI BARNES-  
WALLACE, Guardian Ad Litem;  
LYNN BARNES-WALLACE, Guardian  
Ad Litem; MICHAEL BREEN,  
Guardian Ad Litem; VALERIE  
BREEN, Guardian Ad Litem,  
*Plaintiffs-Appellants,*

v.

CITY OF SAN DIEGO; BOY SCOUTS OF  
AMERICA-DESERT PACIFIC COUNCIL,  
*Defendants-Appellees.*

No. 04-56167

D.C. No.  
3:00-CV-01726-  
J-AJB  
Southern District of  
California,  
San Diego

ORDER

Filed May 15, 2009

Before: William C. Canby, Jr., Andrew J. Kleinfeld, and  
Marsha S. Berzon, Circuit Judges.

**ORDER**

On April 1, 2009, the California Supreme Court denied this court's request for decision of certified questions without prejudice to renewal of the request after resolution of the issue of standing becomes final. Accordingly, further proceedings in this court are stayed pending the final determination of the Supreme Court of the United States of the petition for certiorari filed by the Defendants-Appellees on March 31, 2009 (Sup. Ct. Docket No. 08-1222), and pending the decision by the Supreme Court of *Buono v. Salazar*, No. 08-472, cert. granted, Feb. 23, 2009.



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