



Petitions of the day

Matthew Bush *Petitions*

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The petitions of the day are:

Morgan v. Swanson

Docket: [11-804](#)

Issue(s): (1) Whether it is clearly established that private non-curricular student speech may not be discriminated against solely on the basis of its religious viewpoint; and (2) whether, at a bare minimum, it is clearly established that private non-curricular student speech that takes place outside of the school and after school hours may not be discriminated against solely on the basis of its religious viewpoint.

Certiorari stage documents:

- [Opinion below \(5th Cir.\)](#)
- [Petition for certiorari](#)
- [Amicus brief of ARC of Dallas](#)
- [Amicus brief of Cato Institute](#)
- [Amicus brief of United States Attorneys General et al.](#)
- [Amicus brief of American Center for Law and Justice](#)
- [Amicus brief of Gathie Barnett Edmonds and Marie Barnett Snodgrass](#)
- [Amicus brief of National Legal Foundation](#)

Swanson v. Morgan

Docket: [11-941](#)

Issue(s): Whether, in this qualified immunity appeal from a motion to dismiss, the Fifth Circuit's discussion of the merits of the underlying constitutional issues should be vacated because the Fifth Circuit correctly held that the law was not clearly established, the parties do not have a continuing interest in the legal issues at stake, and the Fifth Circuit's discussion of the constitutional issue constitutes an impermissible advisory opinion.

Certiorari stage documents:

- [Opinion below \(5th Cir.\)](#)
- [Conditional cross-petition for certiorari](#)
- [Brief for Cross-Respondents](#)