

Opinion of STEVENS, J.

**SUPREME COURT OF THE UNITED STATES**

No. 97–1927

RODNEY C. HANLON, JOEL SCRAFFORD, KRIS A.  
MCLEAN, RICHARD C. BRANZELL, AND  
ROBERT PRIEKSAT, PETITIONERS *v.*  
PAUL W. BERGER ET UX.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[May 24, 1999]

JUSTICE STEVENS, concurring in part and dissenting in part.

As I explain in my dissent in *Wilson v. Layne*, *ante* at \_\_\_\_, I am convinced that the constitutional rule recognized in that case had been clearly established long before 1992. I therefore respectfully dissent from the Court's disposition of this case on qualified immunity grounds.