

**FOR PUBLICATION**

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

COALITION ON HOMELESSNESS;  
TORO CASTANO; SARAH CRONK;  
JOSHUA DONOHOE; MOLIQUE  
FRANK; DAVID MARTINEZ;  
TERESA SANDOVAL;  
NATHANIEL VAUGHN,

*Plaintiffs-Appellees,*

v.

CITY AND COUNTY OF SAN  
FRANCISCO; SAN FRANCISCO  
POLICE DEPARTMENT; SAN  
FRANCISCO DEPARTMENT OF  
PUBLIC WORKS; SAN  
FRANCISCO DEPARTMENT OF  
HOMELESSNESS AND  
SUPPORTIVE HOUSING; SAN  
FRANCISCO FIRE DEPARTMENT;  
SAN FRANCISCO DEPARTMENT  
OF EMERGENCY MANAGEMENT;  
LONDON BREED, in her Official  
Capacity as Mayor; SAM DODGE, in  
his Official Capacity as Director of the  
Healthy Streets Operation Center  
(HSOC),

*Defendants-Appellants.*

No. 23-15087

D.C. No. 4:22-cv-  
05502-DMR

ORDER

Filed July 8, 2024

Before: Patrick J. Bumatay, Lucy H. Koh, and Roopali H. Desai, Circuit Judges.

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## SUMMARY\*

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### Homelessness

The panel (1) withdrew its opinions filed on January 11, 2024, reported at 90 F.4th 975 (9th Cir. 2024), and 2024 WL 125340 (9th Cir. Jan. 11, 2024), in light of the U.S. Supreme Court’s decision in *City of Grants Pass v. Johnson*, No. 23-175 (U.S. June 28, 2024), which held that the enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment; and (2) filed a memorandum disposition replacing both withdrawn decisions.

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### ORDER

The opinions filed on January 11, 2024 (Dkt Nos. 89, 90), reported at *Coalition on Homelessness v. City and County of San Francisco*, 90 F.4th 975 (9th Cir. 2024), and 2024 WL 125340 (9th Cir. Jan. 11, 2024), are withdrawn in light of the U.S. Supreme Court’s decision in *City of Grants*

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\* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

*Pass v. Johnson*, No. 23-175 (U.S. June 28, 2024). A concurrently filed memorandum disposition replaces both withdrawn decisions.

**IT IS SO ORDERED.**