

United States Court of Appeals, District of Columbia  
Circuit.

WASHINGTON LEGAL CLINIC OF THE  
HOMELESS, et al., Appellees

v.

Marion S. BARRY, Jr., in his official capacity as  
Mayor of Washington, District of Columbia,  
Appellant

**No. 96-7165.**

Sept. 18, 1997.

BEFORE: [WALD](#), [SILBERMAN](#), and [RANDOLPH](#),  
Circuit Judges.

### **ORDER**

PER CURIAM.

\*1 Upon consideration of the motion to govern further proceedings, the opposition thereto, and the reply, it is

**ORDERED**, on the court's own motion, that this appeal be dismissed as moot and that the district court's July 23, 1996 order be vacated. The decision from which that order derives, holding that plaintiffs were constitutionally entitled to emergency shelter, was reversed by [Washington Legal Clinic for the Homeless v. Barry](#), 107 F.3d 32, 37 (D.C.Cir.1997). The July 23 order is therefore of no effect as it sought to impose conditions on the District which were based on the existence of the constitutional entitlement struck down in *Washington Legal Clinic*.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See [D.C.Cir. Rule 41](#).

C.A.D.C., 1997.

Washington Legal Clinic of Homeless v. Barry  
Not Reported in F.3d, 1997 WL 634555 (C.A.D.C.)

END OF DOCUMENT