noted that "[t]he goal of avoiding governmental endorsement [of religion] does not require eradication of all religious symbols in the public realm.... The Constitution does not oblige government to avoid any public acknowledgment of religion's role in society," *id.,* at ——–——, 130 S.Ct., at 1818 (plurality opinion of KENNEDY, J., joined in full by ROBERTS, C.J., and in part by ALITO, J.). The demolition of the cross at issue in that case would have been "interpreted by some as an arresting symbol of a Government that is not neutral but hostile on matters of religion and is bent on eliminating from all public places and symbols any trace of our country's religious heritage." *Id.,* at ——, 130 S.Ct., at 1823 (opinion of ALITO, J.).

In that case, we were not required to decide whether the Establishment Clause would have required the demolition of the cross if the land on which it was built had remained in government hands. Instead, Congress was ultimately able to devise a solution that was "true to the spirit of practical accommodation that has made the United States a Nation of unparalleled pluralism and religious tolerance." *Id.,* at ——, 130 S.Ct., at 1821.

The current petitions come to us in an interlocutory posture. The Court of Appeals remanded the case to the District Court to fashion an appropriate remedy, and, in doing so, the Court of Appeals emphasized that its decision "d[id] not mean that the Memorial could not be modified to pass constitutional muster [or] that no cross can be part of [the Memorial]." 629 F.3d, at 1125. Because no final judgment has been rendered and it remains unclear precisely what action the Federal Government will be required to take, I agree with the Court's decision to deny the petitions for certiorari. See, *e.g., Locomotive Firemen v. Bangor & Aroostook R. Co.,* 389 U.S. 327, 328, 88 S.Ct. 437, 19 L.Ed.2d 560 (1967) *(per curiam)* (denying petition for certiorari because "the Court of Appeals [had] remanded the case" and thus it was "not yet ripe for review by this Court"); see also E. Gressman, K. Geller, S. Shapiro, T. Bishop, & E. Hartnett, Supreme Court Practice 280 (9th ed.2007) (hereinafter Stern & Gressman). Our denial, of course, does not amount to a ruling on the merits, and the Federal Government is free to raise the same issue in a later petition following entry of a final judgment. See, *e.g., Hughes Tool Co. v. Trans World Airlines, Inc.,* 409 U.S. 363, 365–366, n. 1, 93 S.Ct. 647, 34 L.Ed.2d 577 (1973); see also Stern & Gressman 283.

FIRST AMERICAN FINANCIAL CORPORATION, Successor in Interest to the First American Corporation, et al., Petitioners

v.

Denise P. EDWARDS.

No. 10–708.

June 28, 2012.

Aaron M. Panner, Washington, DC, for Petitioners.

Jeffrey A. Lamken, Washington, DC, for Respondent.

Anthony A. Yang, for the United States, as amicus curiae, by special leave of the Court, supporting the Respondent.

Charles A. Newman, Michael J. Duvall, SNR Denton US LLP, St. Louis, MO, Michael K. Kellogg, Aaron M. Panner, Counsel of Record, Gregory G. Rapawy, Brendan J. Crimmins, Kellogg, Huber,

Hansen, Todd, Evans & Figel, P.L.L.C., Washington, DC, for Petitioners.

Jeffrey A. Lamken, Counsel of Record, Robert K. Kry, Martin V. Totaro, Lucas M. Walker, MoloLamken LLP, Washington, DC, Richard S. Gordon, Martin E. Wolf, Gordon & Wolf Chtd., Towson, MD, James W. Spertus, Law Offices of James W. Spertus, Los Angeles, CA, Cyril V. Smith, Conor B. O'Croinin, Zuckerman Spaeder LLP, Baltimore, MD, David A. Reiser Zuckerman Spaeder LLP, Washington, DC, Edward Kramer, Fair Housing Law Clinic, Cleveland–Marshall College of Law, Cleveland, OH, for Respondent.

For U.S. Supreme Court Briefs, See:

2011 WL 4872040 (Resp.Brief)

2011 WL 5544817 (Reply.Brief)

Prior report: 9th Cir., 610 F.3d 514.

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

It is so ordered.

UNITED STATES, Petitioner

v.

Xavier ALVAREZ.

No. 11–210.

Argued Feb. 22, 2012.

Decided June 28, 2012.

Background: After defendant entered a conditional guilty plea, in the United States District Court for the Central District of California, R. Gary Klausner, J., to violating the Stolen Valor Act by falsely verbally claiming to have received the Congressional Medal of Honor, he appealed. The United States Court of Appeals for the Ninth Circuit, Milan D. Smith, Jr., Circuit Judge, 617 F.3d 1198, reversed, and, following denial of request for rehearing en banc, 638 F.3d 666, certiorari was granted.

Holding: The Supreme Court, Justice Kennedy, held that Stolen Valor Act constituted a content-base restriction on free speech, in violation of the First Amendment; abrogating *United States v. Strandlof,* 667 F.3d 1146.

Affirmed.

Justice Breyer filed opinion concurring in the judgment, in which Justice Kagan joined.

Justice Alito filed dissenting opinion, in which Justice Scalia and Justice Thomas joined.

1. Armed Services ⚿2

Fundamental constitutional principles require that laws enacted to honor the brave must be consistent with the precepts of the Constitution for which they fought. (Per opinion of Justice Kennedy, with three Justices concurring and two Justices concurring in the judgment.)

2. Constitutional Law ⚿1518

When content-based speech regulation is in question, exacting scrutiny is required. (Per opinion of Justice Kennedy, with three Justices concurring and two Justices concurring in the judgment.) U.S.C.A. Const.Amend. 1.

3. Constitutional Law ⚿1490

Statutes suppressing or restricting speech must be judged by the principles of the First Amendment. (Per opinion of Justice Kennedy, with three Justices concur-