

SUPREME COURT OF THE UNITED STATES

No. 92-94

LARRY ZOBREST, ET UX., ET AL., PETITIONERS v.
CATALINA FOOTHILLS SCHOOL DISTRICT
ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT
[June 18, 1993]

JUSTICE O'CONNOR, with whom JUSTICE STEVENS joins,
dissenting.

I join Part I of JUSTICE BLACKMUN's dissent. In my view, the Court should vacate and remand this case for consideration of the various threshold problems, statutory and regulatory, that may moot the constitutional question urged upon us by the parties. "It is a fundamental rule of judicial restraint . . . that this Court will not reach constitutional questions in advance of the necessity of deciding them." *Three Affiliated Tribes of Fort Berthold Reservation v. Wold Engineering, P. C.*, 467 U. S. 138, 157 (1984). That "fundamental rule" suffices to dispose of the case before us, whatever the proper answer to the decidedly hypothetical issue addressed by the Court. I therefore refrain from addressing it myself. See *Rust v. Sullivan*, 500 U. S. ___, ___-___ (1991) (O'CONNOR, J., dissenting).