

O'CONNOR, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 00–767

IMMIGRATION AND NATURALIZATION SERVICE,
PETITIONER *v.* ENRICO ST. CYR

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

[June 25, 2001]

JUSTICE O'CONNOR, dissenting.

I join Parts I and III of JUSTICE SCALIA's dissenting opinion in this case. I do not join Part II because I believe that, assuming, *arguendo*, that the Suspension Clause guarantees some minimum extent of habeas review, the right asserted by the alien in this case falls outside the scope of that review for the reasons explained by JUSTICE SCALIA in Part II–B of his dissenting opinion. The question whether the Suspension Clause assures habeas jurisdiction in this particular case properly is resolved on this ground alone, and there is no need to say more.