

SCALIA, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 00–1011

DEBORIS CALCANO-MARTINEZ, ET AL.,
PETITIONERS *v.* IMMIGRATION AND
NATURALIZATION SERVICE

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

[June 25, 2001]

JUSTICE SCALIA, with whom THE CHIEF JUSTICE and
JUSTICE THOMAS join, dissenting.

For the reasons stated in my dissenting opinion in the
companion case of *INS v. St. Cyr, ante*, at ___, I would
vacate the judgment of the court below and remand with
instructions to dismiss for want of jurisdiction, with
prejudice to petitioners Calcano-Martinez’s and Madrid’s
refiling in the District Court.