

SUPREME COURT OF THE UNITED STATES

No. 90-1846

GEORGE F. DENTON, DIRECTOR OF CORRECTIONS OF  
CALIFORNIA, ET AL., PETITIONERS v.  
MIKE HERNANDEZ

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT  
[May 4, 1992]

JUSTICE STEVENS, with whom JUSTICE BLACKMUN joins,  
dissenting.

My disagreement with the Court is narrow. I agree with its articulation of the standard to be applied in determining whether an *in forma pauperis* complaint is frivolous under 28 U. S. C. §1915(d). Moreover, precedent supports the Court's decision to remand the case without expressing any view on the proper application of that standard to the facts of the case. See, e. g., *Rufo v. Inmates of Suffolk County Jail*, 502 U. S. \_\_\_ (1992). Nevertheless, because I am satisfied that the decision of the Court of Appeals is entirely consistent with the standard announced today, I would affirm its judgment.