

SUPREME COURT OF THE UNITED STATES

No. 90-1947

JOHN K. YEE, ET AL., PETITIONERS v. CITY OF
ESCONDIDO, CALIFORNIA
ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, FOURTH APPELLATE DISTRICT
[April 1, 1992]

JUSTICE BLACKMUN, concurring in the judgment.

I agree with the Court that the Escondido Ordinance is not a taking under this Court's analysis in *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). I also conclude that the substantive due process and regulatory taking claims are not properly raised in this Court. For that reason, I, unlike the Court, do not decide whether the regulatory taking claim is or is not ripe, or which of petitioners' arguments would or would not be relevant to such a claim.