

(ORDER LIST: 593 U.S.)

MONDAY, JUNE 7, 2021

CERTIORARI -- SUMMARY DISPOSITION

20-896 GRAHAM, TERESA M. V. BARNETTE, SHANNON L., ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of *Caniglia v. Strom*, 593 U. S. ____ (2021).

ORDERS IN PENDING CASES

20M84 ROSE, JAMES E. V. SUNUNU, GOV. OF NH, ET AL.

20M85 TOLIVER, JAMES L. V. INCH, SEC., FL DOC

20M86 ZAVALIDROGA, TOMAS V. HESTER, SAMUEL, ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

20M87 L. C. V. S. C., ET AL.

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

20M88 JOHN DOE V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

20-480 BABCOCK, DAVID B. V. SAUL, ANDREW M.

The motion of petitioner to dispense with printing the joint appendix is granted.

CERTIORARI GRANTED

20-828 FBI, ET AL. V. FAZAGA, YASSIR, ET AL.

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

20-1019 THOMPSON, JADE V. MARIETTA ED. ASSN., ET AL.

20-1062 BENNETT, CHAD V. WASHINGTON

20-1093 JUST ENERGY MARKETING, ET AL. V. HURT, DAVINA, ET AL.

20-1148 SELLERS, ROBERT M. V. McDONOUGH, SEC. OF VA

20-1195 KS NATURAL RESOURCE COALITION V. DEPT. OF INTERIOR, ET AL.

20-1197 CLEMONS, EUGENE M. V. DUNN, COMM'R, AL DOC, ET AL.

20-1210 SENECA COUNTY, NY V. CAYUGA INDIAN NATION OF NY

20-1220 COMCAST CABLE COMMUNICATIONS V. PROMPTU SYSTEMS CORP., ET AL.

20-1372 CHAMBERS, JOHN V. TEXAS

20-1384 EVERETT, AMY V. COBB COUNTY, GA, ET AL.

20-1386 EISELE, DALE S. V. ESTATE OF JOSEPH BRODIE SMITH

20-1399 CAPUL, ANDREW J., ET AL. V. NEW YORK, NY, ET AL.

20-1403 HERNANDEZ, BENNY V. EXCEL CONTRACTORS, INC.

20-1406 ARMSTRONG, ARTHUR O. V. NORTH CAROLINA, ET AL.

20-1433 AGUILAR-MOLINA, ARTURO A. V. GARLAND, ATT'Y GEN.

20-1454 RUKORO, VEKUII, ET AL. V. GERMANY

20-1467 VARCO, MICHAEL V. SUPERIOR COURT OF DC, ET AL.

20-1512 DACANAY, GREGORY C. V. ILLINOIS

20-1517 FAST 101 PTY. LTD. V. CITIGROUP INC., ET AL.

20-1554 CITIZENS AGAINST CORPORATE CRIME V. LENNAR CORPORATION

20-1565 MITCHAN, MICHAEL R. V. UNITED STATES

20-1576 145 FISK, LLC V. NICKLAS, F. W.

20-6399 JONES, DUWAYNE V. UNITED STATES

20-6794 SALAMANCA, OSCAR G. V. UNITED STATES

20-7101 BILLINGS, ANTHONY J. V. UNITED STATES
20-7162 AGUILAR, JOSE, ET UX. V. SPECIALIZED LOAN SERV., ET AL.
20-7185 ESPOSITO, JOHN A. V. FORD, WARDEN
20-7282 MALLOY, EARL V. UNITED STATES
20-7284 CURRY, TYRELL D. V. UNITED STATES
20-7285 COLLINS, CEDRIC D. V. UNITED STATES
20-7286 DAVIS, KASHUS V. UNITED STATES
20-7287 CIUS, VIGUENS V. UNITED STATES
20-7304 IVERS, ROBERT P. V. UNITED STATES
20-7326 VALENTINE, TYRONE V. UNITED STATES
20-7330 LLOYD, JAMES M. V. HUTCHINSON, WARDEN
20-7341 CODDINGTON, JAMES V. FARRIS, WARDEN
20-7348 YBARRA, ANTHONY R. V. UNITED STATES
20-7359 GAGARIN, KAREN V. UNITED STATES
20-7536 COLEMAN, TIMOTHY L. V. BRADSHAW, WARDEN
20-7601 SMITH, LYNN Z. V. NJ BUREAU OF SECURITIES
20-7605 MARTINEZ, CODY J. V. ARIZONA
20-7613 WOMACK, CARL V. OXLEY, MERRIMON
20-7627 SHABANI, KHALED V. MADISON, WI, ET AL.
20-7630 MADLOCK, SCOTT P. V. LUMPKIN, DIR., TX DCJ
20-7631 THOMPSON, BRADFORD V. JPMORGAN CHASE BANK, ET AL.
20-7638 GOMEZ, CESAR V. LUMPKIN, DIR., TX DCJ
20-7642 FETZER, DANIEL V. HARRIS, SHEVAUN, ET AL.
20-7643 FAISON, NAFIS A. V. WETZEL, SEC., PA DOC, ET AL.
20-7646 GATSON, KENNIS E. V. LUMPKIN, DIR., TX DCJ
20-7651 CURIEL, GONZALO V. CALIFORNIA
20-7653 DENTON, JEFFREY V. DAVIDS, WARDEN
20-7654 DOUGLAS, ALAN V. STATE BAR OF CA

20-7658 RICE, JOHNNY V. VANIHHEL, WARDEN
20-7662 LUEVANO, JAIME V. YEAKEL, JUDGE, USDC WDTX, ET AL.
20-7665 DILLBECK, DONALD D. V. FLORIDA
20-7666 PONDER, WILLIE V. INCH, SEC., FL DOC
20-7669 JACKSON, MOSES V. ALABAMA
20-7670 DEAN, FAIZAH V. WORKERS' COMPENSATION, ET AL.
20-7682 BARNES, ANTOINE V. SALINAS SUP. CT. JUDGE
20-7685 HEARD, TERRANCE V. PERRY, WARDEN
20-7690 WINZER, JON T. V. VANNOY, WARDEN
20-7696 ARDANEH, HAMID R. V. UNITED STATES, ET AL.
20-7718 PIERRE, DEIDRE A. V. LOUISIANA
20-7720 THOMAS, COREY D. V. INCH, SEC., FL DOC, ET AL.
20-7724 WILSON, JOHN K. V. NDOH, WARDEN
20-7740 VICKERS, JASON R. V. DIGGS, WARDEN
20-7741 ZHAO, WEN DONG V. DEPT. OF STATE
20-7747 PATEL, ANTHONY A. V. ROBINSON, CHARLES, ET AL.
20-7756 TADEMY, BRANDON L. V. COLORADO
20-7759 WILLIAMS, RODERICK V. PAYNE, DIR., AR DOC
20-7760 WORTHINGTON, JOHN V. ONDCP, ET AL.
20-7762 MA, BINER V. CVS PHARMACY, INC., ET AL.
20-7766 DAVIS, LYNDON V. REAGLE, WARDEN
20-7771 BATOR, ANTHONY J. V. NILSSON, DAVID, ET AL.
20-7781 GOULD, ABDU-SALIM V. BESS, LESLIE, ET AL.
20-7787 MILLSAP, LEE C. V. PAYNE, DIR., AR DOC
20-7809 MILLER, JULIAN J. V. RADTKE, WARDEN
20-7849 LOPEZ, ISMAEL V. UNITED STATES, ET AL.
20-7854 OLSON, DAVID V. OLSON, STEPHANIE
20-7869 TORRES, WILFREDO V. BLACKSTONE GROUP

20-7873 McBRIDE, KENNETH V. ZATECKY, SUPT., PENDLETON
20-7898 RIDLEY, EDWARD T. V. FLORIDA
20-7912 GOMEZ-GOMEZ, JORGE V. UNITED STATES
20-7913 WIMS, DALLAS J. V. UNITED STATES
20-7931 SEGURA-RESENDEZ, OSCAR V. UNITED STATES
20-7936 PONCE-ULLOA, JOSE O. V. UNITED STATES
20-7937 LOGGINS, ISAAC L. V. UNITED STATES
20-7940 ELBEBLAWY, KHALED V. UNITED STATES
20-7941 ONICK, KIANDRICK V. UNITED STATES
20-7944 BOBAL, PETER V. UNITED STATES
20-7945 ARNAUD, TROY V. VANNOY, WARDEN
20-7946 BIRON, LISA V. UNITED STATES
20-7950 SERRANO-PEREZ, ANTONIO V. UNITED STATES
20-7956 MONTALVO, BRYAN V. UNITED STATES
20-7959 CONNERTON, THOMAS J. V. UNITED STATES
20-7961 OLMEDA, ANTONIO V. UNITED STATES
20-7964 RILEY, JOHN V. UNITED STATES
20-7969 AGUSTIN-PINEDA, REFUGIO V. UNITED STATES
20-7970 GLENN, CHRISTOPHER R. V. UNITED STATES
20-7973 NUNLEY, ZAVION V. UNITED STATES
20-7976 THOMAS, TREYTON L. V. UNITED STATES
20-7981 NIVENS, STEPHEN V. MORGAN, WARDEN, ET AL.
20-7991 CONTRERAS-FIGUEROA, BULMARO V. UNITED STATES
20-8008 CONN, ERIC C. V. UNITED STATES
20-8011 WEBB, TROY V. UNITED STATES
20-8014 BAEZ, KELVIN V. UNITED STATES
20-8018 TISDALE, DESHAUN V. UNITED STATES
20-8024 BIRON, LISA V. UNITED STATES

The petitions for writs of certiorari are denied.

20-850 BIG TIME VAPES, INC., ET AL. V. FDA, ET AL.

The motion of 19 National and State Electronic Nicotine Delivery System Product Advocacy Associations for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

20-1305 DOUGLAS J. HOLDINGS, ET AL. V. EBERLINE, JOY, ET AL.

The motion of American Association of Cosmetology Schools for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-1373 COLE, WANZA V. WAKE COUNTY BD. OF ED.

The motion of Constitutional Accountability Center for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-1381 FOX, MATTHEW, ET AL. V. SUMMERS, CHARLES A.

The motion of Buckeye State Sheriffs' Association for leave to file a brief as *amicus curiae* is granted. The motion of Legal Momentum, et al. for leave to file a brief as *amici curiae* is granted. The motion of Ohio Prosecuting Attorneys Association for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-1563 RASHID, AMIN A. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

20-7668 WEIDRICK, MARY JO V. BIDEN, PRESIDENT OF U.S., ET AL.

The petition for a writ of certiorari before judgment is denied.

20-7966 RUDZAVICE, JAMES L. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

20-8009 CALHOUN, DAVID V. PENNSYLVANIA, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

HABEAS CORPUS DENIED

20-7994 IN RE LEE R. SCOTT

20-8044 IN RE ANNAMALAI ANNAMALAI

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

20-1387 IN RE LAKSHMI ARUNACHALAM

The petition for a writ of mandamus is denied. The Chief Justice took no part in the consideration or decision of this petition.

PROHIBITION DENIED

20-7650 IN RE BO ZOU

The petition for a writ of prohibition is denied.

REHEARINGS DENIED

20-938 WALKER, VILMA, ET AL. V. DEUTSCHE BANK NATIONAL TRUST CO.

20-1321 LEE, JOHN C. V. UNITED STATES

20-1361 HEISLER, REGINA B. V. GIROD LOANCO, LLC

20-5817 LEWIS, THOMAS V. DECKER, JONATHAN, ET AL.

20-6385 DEVERS, JASON D. V. NEBRASKA

20-6404 LIGGINS, HENRY T. V. VASHAW, WARDEN

20-6614 JARVIS, DEREK V. LEGGETT, ISIAH, ET AL.

20-6839 TOWNSEND, HENRY A. V. TAYLOR, SUPT., EASTERN OR
20-6847 TORRES, CHRISTOPHER B. V. LIVINGSTON, BRAD, ET AL.
20-6981 WALTER, PHILLIP J. V. TEXAS
20-7117 TROY-McKOY, DERVANNA H. A. V. MOUNT SINAI BETH ISRAEL
20-7141 BROWN, CURTIS J. V. UNITED STATES
20-7321 DOUGLAS, ALAN V. SUPERIOR COURT OF CA
20-7389 UDOH, EMEM U. V. DOOLEY, WARDEN
20-7390 UDOH, EMEM U. V. KNUTSON, WARDEN

The petitions for rehearing are denied.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

NATIONAL COALITION FOR MEN, ET AL. *v.*
SELECTIVE SERVICE SYSTEM, ET AL.

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

No. 20–928. Decided June 7, 2021

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR, with whom JUSTICE BREYER and JUSTICE KAVANAUGH join, respecting the denial of certiorari.

The Fifth Amendment to the United States Constitution prohibits the Federal Government from discriminating on the basis of sex absent an “‘exceedingly persuasive justification.’” *Sessions v. Morales-Santana*, 582 U. S. ____, ____ (2017) (slip op., at 9) (quoting *United States v. Virginia*, 518 U. S. 515, 531 (1996)); see *Califano v. Westcott*, 443 U. S. 76 (1979); *Califano v. Goldfarb*, 430 U. S. 199 (1977); *Weinberger v. Wiesenfeld*, 420 U. S. 636 (1975); *Frontiero v. Richardson*, 411 U. S. 677 (1973). Cf. *Bolling v. Sharpe*, 347 U. S. 497 (1954). The Military Selective Service Act requires men, and only men, however, to register for the draft upon turning 18. See 85 Stat. 353, 50 U. S. C. §3802(a). In *Rostker v. Goldberg*, 453 U. S. 57 (1981), this Court upheld the Act’s gender-based registration requirement against an equal protection challenge, citing the fact that women were “excluded from combat” roles and hence “would not be needed in the event of a draft.” *Id.*, at 77.

The role of women in the military has changed dramatically since then. Beginning in 1991, thousands of women have served with distinction in a wide range of combat roles, from operating military aircraft and naval vessels to participating in boots-on-the-ground infantry missions. See Brief for Modern Military Association of America et al. as

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Amici Curiae 11–18. Women have passed the military’s demanding tests to become U. S. Army Rangers, Navy SEALs, and Green Berets. See Brief for General Michael Hayden et al. as *Amici Curiae* 11–13. As of 2015, there are no longer any positions in the United States Armed Forces closed to women. See Memorandum from Secretary of Defense to Secretaries of the Military Departments et al. Re: Implementation Guidance for the Full Integration of Women in the Armed Forces 1 (Dec. 3, 2015). Petitioners ask the Court to overrule *Rostker* in light of these developments.

Petitioners, however, are not the only ones asking whether a male-only registration requirement can be reconciled with the role women can, and already do, play in the modern military. In 2016, Congress created the National Commission on Military, National, and Public Service (NCMNPS) and tasked it with studying whether Selective Service registration should be conducted “regardless of sex.” National Defense Authorization Act for Fiscal Year 2017, §§551(a), 555(c)(2)(A), 130 Stat. 2130, 2135.

On March 25, 2020, the Commission released its final report, in which it recommended “eliminat[ing] male-only registration.” *Inspired to Serve: The Final Report of the [NCMNPS]* 111. Among other things, the Commission found that “[m]ale-only registration sends a message to women not only that they are not vital to the defense of the country but also that they are not expected to participate in defending it.” *Id.*, at 118. Just a few months ago, the Senate Armed Services Committee held a hearing on the report, where Chairman Jack Reed expressed his “hope” that a gender-neutral registration requirement will be “incorporated into the next national defense bill.” *Tr. of Hearing on Final Recommendations and Report of the [NCMNPS] before the Senate Committee on Armed Services, 117th Cong., 1st Sess.*, 21 (Mar. 11, 2021).

It remains to be seen, of course, whether Congress will end gender-based registration under the Military Selective

Statement of SOTOMAYOR, J.

Service Act. But at least for now, the Court's longstanding deference to Congress on matters of national defense and military affairs cautions against granting review while Congress actively weighs the issue. I agree with the Court's decision to deny the petition for a writ of certiorari.