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December 12, 2025

To : Scott S. Harris, Clerk of Court
United States Supreme Court
One First Street, North East
Washington, D.C., Zip 20543
Phone Num: (205) 479-3000

Subject: **Arvie v. Cathedral of Faith MBC, Et Al., #25-5979**
Notice of Supplemental Authority to the Justices

To Clerk Scott S. Harris:

This **Rule 15.8 Notice** is presented filing. It is prepared similarly to a notice entered on the Court's Journal as of Jan. 14, 2025. **See Free Speech Coalition v. Paxton**, No. 23-1122.

Petitioner submits this Notice regarding **Question Three** assigned in the Petition docketed on Oct. 28, 2025. The succinct reasons for submitting the Notice are as follows:

1.) The Petition asked the court to decide “[w]hether civil liability can be imposed on judges, the judicial staff of the court, and licensed attorneys in their administrative and personal capacity if the officers fail in their duty to report all known illegal acts or omissions of impropriety committed by judges, licensed attorneys, or the like if they are required to do so by legislative directive or written judicial policies; or (2) whether civil liability can be imposed on elected governmental officers in their administrative managerial capacity for failing in their duty to promulgate a written policy requiring all members of the judiciary to report all known illegal acts or omissions of impropriety to the proper authorities for protecting the rights of citizens” in the State of Louisiana. **See Pet. at 2.**

2.) Citing **Williams v. Reed**, 604 U. S. 168 (2025), the Petition inartfully argued under the Third Reasons for Granting Relief that the appeals court erred as a matter of both law and fact by holding state law immunize Louisiana public officers from liability under § 1983, Title 42 U.S.C., for failing in and continuing to breach their duty requiring the officers report all known illegal acts or omissions of impropriety, either mandated by Canon 3B(3) of the Louisiana Code of Judicial Conduct or a Presumptive Administrative Written Policy promulgated by the Chief and associate judges in their administrative capacity. **See Pet. at 64-66.**

3.) After Oct. 28, 2025, the court issued attached *opinion* reaffirming that “a State has no power to confer immunity from federal causes of action.” The Justices reaffirmed previous decisions in **Williams**, given the fact *Louisiana immunizes*

*healthcare providers from civil liability during public health emergencies contrary to well settled precedent. See Infra at 3-4; Doe v. Dynamic Physical Therapy, LLC, No. 25-180, 2025 WL 3506945, at *1 (U.S. Dec. 8, 2025).*

5.) Within the meaning of Article VI, Clause 2 of the United States Constitution, the attached opinion reaffirmed that “[t]he Judges in every State” are bound to follow federal law, “any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.” **See Infra at 3-4; Doe v. Dynamic Physical Therapy, LLC, No. 25-180, 2025 WL 3506945, at *1 (text) (italics added).**

6.) Those bedrock precepts are equally applicable in the instant matter. The Fifth Circuit clearly misapprehended or otherwise drastically departed from the settled standards over the scope of immunization under state law. **See Infra at 5-7; Clark v. Sweeney, No. 25-52, 2025 WL 3260170, at *1-2 (U.S. Nov. 24, 2025).** The 5th Circuit likewise failed to follow Supremacy law mandated by the Constitution. **See Infra at 3-4; Doe v. Dynamic Physical Therapy, LLC, 2025 WL 3506945, at *1.**

In the end, circulate this Notice of Supplemental Authority Letter to the Justices for taking the into consideration with the arguments previously raised in the Petition for Writ of Certiorari and Appendix as prepared and mailed for docketed on Oct. 28, 2025. The Court’s Journal convey that the Petition is scheduled to be heard by conference on Friday, January 9, 2025.

This Notice was presented by hand to the United States Postal Service for mailing to the Clerk Scott S. Harris on the date of this official document. I asked for and the postal service agent provided a certificate showing the Notice was accepted for mailing on December 12, 2025.

Copy of this Rule 15.8 Notice of Supplemental Authority, attached one-page Declaration, and the attached four-page Certificate of Service List has been electronically emailed to the parties named in the Certificate. Each document has been separately prepared and presented for filing on the matter of **Arvie v. Cathedral of Faith MBC, Et Al., Docket No. 25-5979.**

Authored & Filed By:



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cc: See Declaration & Service List

--- S.Ct. ----

Only the Westlaw citation is currently available.
Supreme Court of the United States.

John DOE

v.

DYNAMIC PHYSICAL THERAPY, LLC,
et al.

No. 25-180.

Decided December 8, 2025

Synopsis

Background: Patient brought action against physical therapist and therapist's employer, asserting federal claims under Americans with Disabilities Act (ADA) and Rehabilitation Act and state-law claim for intentional infliction of emotional distress, based on allegations of denial of service due to patient's HIV status. The Louisiana District Court, 22nd Judicial District, St. Tammany Parish, No. 2021-15372, [Alan A. Zaunbrecher](#), J., sustained defendants' peremptory exception of no cause of action. Patient appealed. The Louisiana Court of Appeal, [McClendon](#), J., [404 So.3d 1008](#), affirmed, and the Louisiana Supreme Court denied patient's application for writ of certiorari. Patient petitioned for writ of certiorari.

[Holding:] Upon granting certiorari, the Supreme Court held that under the Supremacy Clause, the Louisiana Health Emergency Powers Act's (LHEPA) immunization of healthcare providers from civil liability during public health emergencies could not confer immunity from federal causes of action.

Certiorari granted; judgment of Louisiana Court of Appeal reversed; remanded.

West Headnotes (2)

II Health Immunity in general

Under the Supremacy Clause, the Louisiana Health Emergency Powers Act's (LHEPA) immunization of healthcare providers from civil liability during public health emergencies could be applied only to state-law causes of action, and the State could not confer immunity from federal causes of action. [U.S. Const. art. 6, cl. 2](#); [Americans with Disabilities Act of 1990](#) § 2, [42 U.S.C.A. § 12101 et seq.](#); [Rehabilitation Act of 1973](#) § 504, [29 U.S.C.A. § 794](#); [La. Rev. Stat. Ann. § 29:771\(B\)\(2\)\(c\)\(i\)](#).

[2]

States Enforcement of federal law, rights, or claims
States Other particular powers

Defining the scope of liability under state law is the State's prerogative, but under the Supremacy Clause a State has no power to confer immunity from federal causes of action. [U.S. Const. art. 6, cl. 2](#).

West Codenotes

Limited on Preemption Grounds

[La. Rev. Stat. Ann. § 29:771\(B\)\(2\)\(c\)\(i\)](#)

Opinion

PER CURIAM.

*¹ ¹¹¹ ¹²¹ Louisiana immunizes healthcare providers from civil liability during public health emergencies. [La. Rev. Stat. Ann. § 29:771\(B\)\(2\)\(c\)\(i\)](#) (West 2022). Below, the Louisiana Court of Appeal held that this state statute barred plaintiff's federal claims. [2024-0723](#), pp. 11-12 ([La. App. 1 Cir. 12/27/24](#)), [404 So.3d 1008](#), [1017-1018](#), writ denied, [2025-00105](#) ([La. 4/29/25](#)), [407 So.3d 623](#). That decision is incorrect. Defining the scope of liability under state law is the State's prerogative. But a State has no power to confer immunity from federal causes of

action. See, e.g., *Howlett v. Rose*, 496 U.S. 356, 383, 110 S.Ct. 2430, 110 L.Ed.2d 332 (1990); *Haywood v. Drown*, 556 U.S. 729, 740, 129 S.Ct. 2108, 173 L.Ed.2d 920 (2009); *Williams v. Reed*, 604 U.S. 168, 174, 145 S.Ct. 465, 221 L.Ed.2d 44 (2025). “[T]he Judges in every State” are bound to follow federal law, “any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.” U. S. Const., Art. VI, cl. 2.

Plaintiff’s federal claims may well fail on other federal grounds. Cf. *Cummings v. Premier Rehab Keller*, 596 U.S. 212, 222, 142 S.Ct. 1562, 212 L.Ed.2d 552 (2022). But that is for the Louisiana courts to decide in the first

instance. The petition for certiorari is granted, the judgment of the Louisiana Court of Appeal is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

All Citations

607 U.S. ----, --- S.Ct. ----, 2025 WL 3506945

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--- S.Ct. ---

Supreme Court of the United States.

Terence CLARK, Director, Prince George's County Department of Corrections, et al.

v.

Jeremiah Antoine SWEENEY

No. 25-52.

Decided November 24, 2025

Synopsis

Background: State prisoner filed federal habeas petition challenging his Maryland conviction for second-degree murder and several other crimes. The United States District Court for the District of Maryland, [Paul W. Grimm, J., 2022 WL 1120066](#), denied the petition. Prisoner appealed. The United States Court of Appeals for the Fourth Circuit, [Gregory, Circuit Judge, 2025 WL 800452](#), reversed and remanded with instructions to issue a conditional order of release unless a new trial was completed within a period determined by the district court. The Supreme Court, 145 S.Ct. 2729, 2025 WL 800452, denied an application to stay the mandate of the Court of Appeals and for an administrative stay.

[Holding:] Upon granting certiorari, the Supreme Court held that Court of Appeals transgressed party-presentation principle by granting habeas relief on a claim prisoner never asserted.

Certiorari granted; reversed and remanded with directions.

West Headnotes (5)

[1] Federal Civil Procedure Hearing, evidence, and presentation of arguments

The adversarial system of adjudication follows the principle of party presentation under which

the parties frame the issues for decision, while the court serves as neutral arbiter of matters the parties present.

2 Cases that cite this headnote

[2]

Federal Civil Procedure Hearing, evidence, and presentation of arguments

Under the principle of party presentation, courts call balls and strikes; they do not get a turn at bat.

2 Cases that cite this headnote

[3]

Habeas Corpus Presentation and reservation in lower habeas court of grounds of review

Habeas Corpus Determination and Disposition

Court of Appeals transgressed party-presentation principle so drastically as to have abused its discretion, by granting federal habeas relief on a claim that state prisoner never asserted in his federal habeas petition, which challenged his Maryland conviction for second-degree murder and other crimes, and that the State never had chance to address, where petition asserted one, and only one, claim, namely that trial counsel was ineffective for failing to investigate whether other jurors had been prejudiced by one juror's unauthorized crime-scene visit, but instead of ruling on that claim, Court of Appeals devised a new one, based on combination of extraordinary failures from juror to judge to attorney that deprived prisoner of his rights to confrontation and to trial by an impartial jury. [U.S. Const. Amend. 6; 28 U.S.C.A. § 2254\(d\)](#).

[4] Habeas Corpus Adequacy and Effectiveness

of Counsel
Habeas Corpus Counsel

When assessing a *Strickland* claim that a state court has already adjudicated, a federal habeas court's analysis under the Antiterrorism and Effective Death Penalty Act (AEDPA) is doubly deferential. *U.S. Const. Amend. 6*; *28 U.S.C.A. § 2254(d)*.

|5| **Habeas Corpus** Adequacy and Effectiveness of Counsel

A federal habeas court may grant relief on a *Strickland* claim of ineffective assistance of counsel only if every fairminded jurist would agree that every reasonable lawyer would have made a different decision. *U.S. Const. Amend. 6*; *28 U.S.C.A. § 2254(d)*.

intended targets but killing a bystander who was about 75 yards away. At issue during trial was whether Sweeney could have been the shooter given his location and the angle of the bullet wound.

After the State rested its case, Juror 4's curiosity got the best of him, and he decided to check out the crime scene for himself. Shortly after jury deliberations began, Juror 4 told the jury about his visit, and the jury promptly reported his visit to the court. The parties conferred and eventually agreed that rather than declare a mistrial, the court would dismiss Juror 4 and deliberations would proceed with 11 jurors. Sweeney was convicted, and his convictions were affirmed on direct appeal.

Sweeney later filed a petition for postconviction relief in state court. He argued, among other things, that his trial counsel was ineffective under *Strickland v. Washington*, 466 U.S. 668, 686, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984), for not seeking to *voir dire* the entire jury to ensure that no other juror was tainted by Juror 4's unauthorized crime-scene visit. The state court denied relief after a hearing. With the help of appointed counsel, Sweeney then petitioned for a writ of habeas corpus under *28 U.S.C. § 2254* in Federal District Court. As in state court, Sweeney argued that his trial counsel was ineffective for not seeking to *voir dire* the entire jury. The District Court denied Sweeney's petition, concluding that the state court's application of *Strickland* was not objectively unreasonable.

In an unpublished opinion, the Fourth Circuit reversed—but not on the ineffective-assistance claim that Sweeney brought. Instead, the Fourth Circuit declared that Sweeney's trial was marred by a “combination of extraordinary failures from juror to judge to attorney” that deprived Sweeney of his right to be confronted with the witnesses against him and his right to trial by an impartial jury. App. to Pet. for Cert. 22a, 29a. That error, the Court of Appeals concluded, entitled Sweeney to a new trial. Judge Quattlebaum dissented, criticizing the majority for “flout[ing]” traditional principles of party presentation. *Id.*, at 99a–103a.

Opinion

Per Curiam.

*1 A Maryland jury found Jeremiah Sweeney guilty of second-degree murder and several other crimes. Sweeney's convictions were affirmed on appeal, and his bid for post-conviction relief in state court was unsuccessful. Sweeney sought habeas relief in Federal District Court, and that court, too, denied relief. But the Fourth Circuit reversed and ordered a new trial, relying on a claim that Sweeney never asserted. Because the Court of Appeals departed dramatically from the principle of party presentation, we reverse.

II

[1] [2] “In our adversarial system of adjudication, we follow the principle of party presentation.” *United States v. Sineneng-Smith*, 590 U.S. 371, 375, 140 S.Ct. 1575, 206 L.Ed.2d 866 (2020). The parties “‘frame the issues for decision,’ while the court serves as ‘‘neutral arbiter of matters the parties present.’” *Ibid.* (quoting *Greenlaw v.*

I

According to the State's witnesses at trial, Jeremiah Sweeney was arguing one night with neighbors about stolen marijuana. He eventually opened fire, missing his

United States, 554 U.S. 237, 243, 128 S.Ct. 2559, 171 L.Ed.2d 399 (2008)). To put it plainly, courts “call balls and strikes”; they don’t get a turn at bat. *Lomax v. Ortiz-Marquez*, 590 U.S. ----, ----, 140 S.Ct. 1721, 207 L.Ed.2d 132 (2020).

¹² ¹³The Fourth Circuit transgressed the party-presentation principle by granting relief on a claim that Sweeney never asserted and that the State never had the chance to address. Sweeney asserted “one, and only one,” claim in his federal habeas petition: that his counsel was ineffective for failing to investigate whether other jurors had been prejudiced by Juror 4’s crime-scene visit. App. to Pet. for Cert. 53a (Quattlebaum, J., dissenting). Instead of ruling on that claim, the Fourth Circuit devised a new one, based on a “combination of extraordinary failures from juror to judge to attorney.” *Id.*, at 22a. The Fourth Circuit’s “radical transformation” of Sweeney’s simple ineffective-assistance claim “departed so drastically from the principle of party presentation as to constitute an abuse of discretion.” *Sineneng-Smith*, 590 U.S., at 380, 375, 140 S.Ct. 1575. We accordingly reverse the judgment of the Fourth Circuit and remand the case for further proceedings.

¹⁴ ¹⁵On remand, the Fourth Circuit should analyze the ineffective-assistance claim that Sweeney asserted. Under the Antiterrorism and Effective Death Penalty Act of 1996, relief is barred unless the state court’s decision was

“contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.” 28 U.S.C. § 2254(d). When assessing a *Strickland* claim that a state court has already adjudicated, the “analysis is ‘doubly deferential.’” *Dunn v. Reeves*, 594 U.S. 731, 739, 141 S.Ct. 2405, 210 L.Ed.2d 812 (2021) (*per curiam*) (quoting *Burt v. Titlow*, 571 U.S. 12, 15, 134 S.Ct. 10, 187 L.Ed.2d 348 (2013)). “[A] federal court may grant relief only if every ‘fairminded jurist’ would agree that *every* reasonable lawyer would have made a different decision.” 594 U.S., at 739–740, 141 S.Ct. 2405 (quoting *Harrington v. Richter*, 562 U.S. 86, 101, 131 S.Ct. 770, 178 L.Ed.2d 624 (2011)).

The petition for certiorari is granted, the judgment of the Fourth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

All Citations

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