

No. 25-7473

---

---

IN THE SUPREME COURT OF THE UNITED STATES

---

AARON MICHAEL MURRAY, PETITIONER

v.

JEANNETTE MIRANDA, ET AL.

---

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

---

MEMORANDUM FOR RESPONDENTS JEANNETTE MIRANDA,  
RICHARD QI LI, AND MICHELLE CORTOPASSI

---

D. JOHN SAUER  
Solicitor General  
Counsel of Record  
Department of Justice  
Washington, D.C. 20530-0001  
SupremeCtBriefs@usdoj.gov  
(202) 514-2217

---

---

IN THE SUPREME COURT OF THE UNITED STATES

---

No. 25-7473

AARON MICHAEL MURRAY, PETITIONER

v.

JEANNETTE MIRANDA, ET AL.

---

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

---

MEMORANDUM FOR RESPONDENTS JEANNETTE MIRANDA,  
RICHARD QI LI, AND MICHELLE CORTOPASSI

---

Petitioner (an inmate in a federal prison) sued respondents (members of the prison staff) under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and Carlson v. Green, 446 U.S. 14 (1980), alleging that respondents had violated the Eighth Amendment through their deliberate indifference to his medical needs. The district court dismissed the claims against two respondents and granted judgment on the pleadings to the other two respondents. Pet. App. 11a-29a. The court of appeals affirmed, holding, as relevant here, that petitioner's claims arose in a new context to which Bivens and Carlson should

not be extended because prisoners may seek administrative remedies from the Bureau of Prisons and because the nature of petitioner's injuries differs from the nature of the injuries in Carlson. Id. at 6a-7a; see id. at 1a-8a. Petitioner seeks certiorari, contending (Pet. 10-34) that neither the availability of administrative remedies nor the nature of his injuries suffices to distinguish this case from Carlson.

This Court should hold the petition for a writ of certiorari pending the resolution of Nielsen v. Watanabe, cert. granted, No. 25-417 (June 22, 2026). The question on which the Court has granted review is whether an Eighth Amendment claim under Carlson arises in a new context in light of "an alternative remedial scheme that this Court did not consider in Carlson" or because of "significant factual differences such as the immediacy and severity of the harm alleged." Pet. at i, Nielsen, supra (No. 25-417). The circuit conflicts about alternative remedies and the nature of a prisoner's injury identified by the petition in Nielsen (at 15-22) overlap significantly with the conflicts asserted by the petition in this case (at 12-21). And in the decision below, the court of appeals relied on a decision, Johnson v. Terry, 119 F.4th 840 (11th Cir. 2024), cert. denied, 146 S. Ct. 101 (2025), see Pet. App. 6a-7a, that forms part of the circuit conflict at issue in Nielsen, see Pet. at 16, Nielsen, supra. This Court's decision in Nielsen is therefore likely to affect the proper resolution of this case.

The petition for a writ of certiorari should be held pending the resolution of Nielsen and then disposed of as appropriate.\*

Respectfully submitted.

D. JOHN SAUER  
Solicitor General

JULY 2026

---

\* This memorandum is filed on behalf of respondents Jeanette Miranda, Richard Qi Li, and Michelle Cortpoassi, who waive any further response to the petition for a writ of certiorari unless this Court requests otherwise. Counsel for respondent Linda Criswell has authorized us to state that Criswell agrees with this memorandum and that she likewise waives any further response unless the Court requests otherwise.