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REBECCA A. WOMELDORF

REPORTER OF DECISIONS



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REPORTER'S NOTE

Orders commencing with February 22, 2022, begin with page 1214. The preceding orders in 595 U. S., from October 4, 2021, through February 18, 2022, were reported in Part 1, at 901–1213. These page numbers are the same as they will be in the bound volume, thus making the *permanent* citations available upon publication of the preliminary prints of the United States Reports.

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Certiorari Dismissed

No. 21–6561. ARANOFF *v.* ARANOFF. Ct. App. N. Y. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 37 N. Y. 3d 1086, 178 N. E. 3d 932.

No. 21–6598. PLOURDE *v.* NORTHERN LIGHT ACADIA HOSPITAL ET AL. C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 21–6608. TORRES *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 21–6617. DOUGLAS *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 21–6633. HEJAZI *v.* WHITE BIRD CLINIC. Ct. App. Ore. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 21–6664. BREEST *v.* FORMELLA, ATTORNEY GENERAL OF NEW HAMPSHIRE. C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 21–6713. STRAW *v.* UNITED STATES. C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule

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33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. 21M62. CONLEY *v.* PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION;

No. 21M66. MONTALBAN *v.* POWELL ET AL.;

No. 21M68. LUNDSTEDT *v.* JPMORGAN CHASE BANK, N. A., ET AL.;

No. 21M70. RAND *v.* UNITED STATES;

No. 21M71. CLAIR *v.* DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.;

No. 21M72. POPSON *v.* KANSAS CITY, MISSOURI, ET AL.;

No. 21M73. SYBBLISS *v.* GARLAND, ATTORNEY GENERAL;

No. 21M75. BASKERVILLE *v.* UNITED STATES;

No. 21M77. SALISBURY *v.* UNITED STATES;

No. 21M79. MAYE *v.* UNITED STATES; and

No. 21M80. B. B. *v.* FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 21M63. M. D. *v.* MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, CHILD AND FAMILY SERVICES DIVISION, ET AL.;

No. 21M67. LIVIZ *v.* SUPREME JUDICIAL COURT OF MASSACHUSETTS;

No. 21M74. DEEM *v.* DiMELLA-DEEM;

No. 21M76. SHERWOOD *v.* NEOTTI, WARDEN; and

No. 21M78. SPENCER *v.* COLORADO. Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 21M64. WATSON *v.* WITTY ET AL. Motion for leave to proceed as a veteran denied.

No. 21M65. CONNER *v.* FOLKS, WARDEN. Motion to direct the Clerk to file petition for writ of certiorari denied.

No. 21M69. JAMES *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 145, Orig. DELAWARE *v.* PENNSYLVANIA ET AL.; and

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No. 146, Orig. ARKANSAS ET AL. *v.* DELAWARE. Exceptions to the Special Master Report set for oral argument in due course. Motion of Delaware for leave to file volume III of its appendix under seal granted. Motion of Arkansas et al. for leave to file volume III of their appendix under seal granted. [For earlier order herein, see, *e. g.*, 595 U. S. 906.]

No. 21–234. GEORGE *v.* McDONOUGH, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. [Certiorari granted, 595 U. S. 1162.] Motion of petitioner to dispense with printing joint appendix granted.

No. 21–309. SOUTHWEST AIRLINES Co. *v.* SAXON. C. A. 7th Cir. [Certiorari granted, 595 U. S. 1106.] Motion of petitioner to dispense with printing joint appendix granted. JUSTICE BARRETT took no part in the consideration or decision of this motion.

No. 21–429. OKLAHOMA *v.* CASTRO-HUERTA. Ct. Crim. App. Okla. [Certiorari granted, 595 U. S. 1181.] Motion of petitioner to dispense with printing joint appendix granted.

No. 21–439. NANCE *v.* WARD, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. [Certiorari granted, 595 U. S. 1162.] Motion of petitioner to dispense with printing joint appendix granted.

No. 21–441. SIEGEL, TRUSTEE OF THE CIRCUIT CITY STORES, INC. LIQUIDATING TRUST *v.* FITZGERALD, ACTING UNITED STATES TRUSTEE FOR REGION 4. C. A. 4th Cir. [Certiorari granted, 595 U. S. 1130.] Motion of petitioner to dispense with printing joint appendix granted.

No. 21–511. SHOOP, WARDEN *v.* TWYFORD. C. A. 6th Cir. [Certiorari granted, 595 U. S. 1162.] Motion of petitioner to dispense with printing joint appendix granted.

No. 21–676. MUSTA *v.* MENDOTA HEIGHTS DENTAL CENTER ET AL. Sup. Ct. Minn.;

No. 21–746. APPLE INC. *v.* QUALCOMM INC. C. A. Fed. Cir.; and

No. 21–998. BIERBACH *v.* DIGGER’S POLARIS ET AL. Sup. Ct. Minn. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

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No. 21–1086. MERRILL, ALABAMA SECRETARY OF STATE, ET AL. *v.* MILLIGAN ET AL. D. C. N. D. Ala. [Probable jurisdiction noted, 595 U. S. 1197]; and

No. 21–1087). MERRILL, ALABAMA SECRETARY OF STATE, ET AL. *v.* CASTER ET AL. C. A. 11th Cir. [Certiorari granted, 595 U. S. 1197.] Cases consolidated, and a total of one hour is allotted for oral argument. The question presented* in these cases is: “Whether the District Courts in these cases correctly found a violation of §2 of the Voting Rights Act, 52 U. S. C. § 10301.”

No. 21–5726. KEMP *v.* UNITED STATES. C. A. 11th Cir. [Certiorari granted, 595 U. S. 1130.] Motion of petitioner to dispense with printing joint appendix granted.

No. 21–6689. MCGARRY *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist.; and

No. 21–6740. CHIQUITO *v.* UNITED STATES ET AL. C. A. 10th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 15, 2022, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 21–6834. IN RE JACKSON. Petition for writ of habeas corpus denied.

No. 21–6797. IN RE WILSON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8.

No. 21–6879. IN RE CALTON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

*[REPORTER’S NOTE: For amendment of the question presented, see 595 U. S. 1281.]

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No. 21–807. IN RE ENG; and

No. 21–6444. IN RE KNOCHEL. Petitions for writs of mandamus denied.

No. 21–1039. IN RE KAPORDELIS. Petition for writ of mandamus denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 21–6607. IN RE BURNS. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 21–432. ARELLANO *v.* McDONOUGH, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari granted. Reported below: 1 F. 4th 1059.

No. 21–476. 303 CREATIVE LLC ET AL. *v.* ELENIS ET AL. C. A. 10th Cir. Certiorari granted limited to the following question: “Whether applying a public-accommodation law to compel an artist to speak or stay silent violates the Free Speech Clause of the First Amendment.” Reported below: 6 F. 4th 1160.

Certiorari Denied

No. 21–27. ARROW HIGHWAY STEEL, INC. *v.* DUBIN. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied. Reported below: 56 Cal. App. 5th 876, 270 Cal. Rptr. 3d 773.

No. 21–225. HOWARD *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 21–385. DRASC, INC., ET AL. *v.* NAVISTAR INTERNATIONAL CORP. ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 990 F. 3d 1048.

No. 21–466. CATHEY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 21–477. SELF ET AL. *v.* CHER-AE HEIGHTS INDIAN COMMUNITY OF THE TRINIDAD RANCHERIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied. Reported below: 60 Cal. App. 5th 209, 274 Cal. Rptr. 3d 255.

No. 21–533. MARTIN, INDIVIDUALLY AND AS AN EMPLOYEE OF THE ARIZONA DEPARTMENT OF PUBLIC SAFETY, ET AL. *v.* CAS-

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TRO. C. A. 9th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 888.

No. 21-541. *TUGGLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 4 F. 4th 505.

No. 21-563. *LENT ET AL. v. CALIFORNIA COASTAL COMMISSION ET AL.* Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied. Reported below: 62 Cal. App. 5th 812, 277 Cal. Rptr. 3d 106.

No. 21-579. *SMITH v. HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 726.

No. 21-605. *ROBERSON v. UNITED STATES*; and

No. 21-706. *GILBERT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 998 F. 3d 1237.

No. 21-615. *WOODS ET AL. v. ALASKA STATE EMPLOYEES ASSOCIATION, AFSCME LOCAL 52, ET AL.*; and *CREED ET AL. v. ALASKA STATE EMPLOYEES ASSOCIATION, AFSCME LOCAL 52, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21-653. *HARVEY v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 318 So. 3d 1238.

No. 21-661. *CITY OF EUGENE, OREGON, ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 998 F.3d 701.

No. 21-675. *CARSWELL ET AL. v. E. PIHL & SONS ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 999 F. 3d 18.

No. 21-678. *BIG SANDY RANCHERIA ENTERPRISES v. BONTA, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 1 F. 4th 710.

No. 21-683. *KITCHIN ET AL. v. BRIDGETON LANDFILL, LLC, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 3 F. 4th 1089.

No. 21-690. *CANNADY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 840 Fed. Appx. 749.

No. 21-692. *HAYSTINGS ET AL. v. KORB*. C. A. 3d Cir. Certiorari denied. Reported below: 860 Fed. Appx. 222.

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No. 21–716. *SIVELLA v. TOWNSHIP OF LYNDHURST, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–717. *DOE ET AL. v. MILLS, GOVERNOR OF MAINE, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 16 F. 4th 20.

No. 21–718. *HERMANDAD DE EMPLEADOS DEL FONDO DEL SEGURO DEL ESTADO ET AL. v. UNITED STATES ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 995 F. 3d 18.

No. 21–724. *NEW YORK UNIVERSITY v. SACERDOTE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 4th 95.

No. 21–789. *BENTON v. BRADLEY, AS ADMINISTRATOR OF THE ESTATE OF ROBINSON, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 10 F. 4th 1232.

No. 21–801. *MCCABE v. FAIRFAX COUNTY, VIRGINIA, ET AL.* Sup. Ct. Va. Certiorari denied.

No. 21–803. *DALE v. BUTLER.* C. A. 4th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 150.

No. 21–804. *ZATTA v. ELDRED ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 840 Fed. Appx. 266.

No. 21–805. *NORBERG v. NEVADA CENTER FOR DERMATOLOGY ET AL.* Ct. App. Nev. Certiorari denied. Reported below: 137 Nev. —, 490 P. 3d 125.

No. 21–810. *LORENZO VARGAS v. CITY OF LOS ANGELES, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 360.

No. 21–811. *YANBIN YU ET AL. v. APPLE INC. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 1 F. 4th 1040.

No. 21–815. *PIERSON v. ROGOW ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–820. *LOUISIANA v. ALEXANDER.* Ct. App. La., 4th Cir. Certiorari denied.

No. 21–821. *FARRIER v. LEICHT ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 21–824. *ABADIE v. LOUISIANA ATTORNEY DISCIPLINARY BOARD*. Sup. Ct. La. Certiorari denied.

No. 21–831. *JACOBSEN v. RUSHMORE LOAN MANAGEMENT SERVICES, LLC, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 831 Fed. Appx. 353.

No. 21–832. *WALKER v. INTELLI-HEART SERVICES, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–833. *WHITEHEAD v. TRAVELER’S INSURANCE CO. ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–839. *OEHMKE v. GUINAN*. Ct. App. Mich. Certiorari denied.

No. 21–841. *SMALLWOOD v. NICHOLS ET AL.*;
No. 21–6309. *SMITH v. NICHOLS ET AL.*;
No. 21–6392. *BERRY v. NICHOLS ET AL.*;
No. 21–6535. *SMITH v. NICHOLS ET AL.*; and
No. 21–6545. *NICHOLS v. NICHOLS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–845. *PITLOR v. TD AMERITRADE, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 898.

No. 21–850. *ELINE ET AL. v. TOWN OF OCEAN CITY, MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 4th 214.

No. 21–853. *HEIDARI v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 21–855. *MAHONEY v. COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION THREE*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied. Reported below: 65 Cal. App. 5th 376, 250 Cal. Rptr. 3d 2.

No. 21–856. *BILDER v. DYKSTRA*. C. A. 7th Cir. Certiorari denied.

No. 21–858. *CLASSIC CAB Co. v. DISTRICT OF COLUMBIA DEPARTMENT OF FOR-HIRE VEHICLES*. Ct. App. D. C. Certiorari denied. Reported below: 244 A. 3d 703.

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No. 21–861. *FIRST RELIANCE STANDARD LIFE INSURANCE CO. v. GIORGIO ARMANI CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 852 Fed. Appx. 304.

No. 21–862. *HARTMAN v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION.* C. A. 8th Cir. Certiorari denied. Reported below: 8 F. 4th 733.

No. 21–863. *TALAMANTES-ENRIQUEZ v. GARLAND, ATTORNEY GENERAL.* C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 4th 1340.

No. 21–864. *YOUNG v. BARR.* Ct. App. Ky. Certiorari denied.

No. 21–875. *BARNETT v. MENARD, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 851 Fed. Appx. 619.

No. 21–878. *SEIBERT v. MCINTIRE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 874 Fed. Appx. 802.

No. 21–879. *MAYER v. HARTFORD LIFE & ACCIDENT INSURANCE CO.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 4th 78.

No. 21–881. *SHAO v. MCMANIS FAULKNER, LLP.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 21–883. *GORE v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 21–886. *ISLAMI v. KEMPER INDEPENDENCE INSURANCE CO.* Sup. Ct. Wis. Certiorari denied. Reported below: 2021 WI 53, 397 Wis. 2d 394, 959 N. W. 2d 912.

No. 21–889. *HUSSAIN v. GARLAND, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 985 F. 3d 634.

No. 21–891. *WEY ET AL. v. NASDAQ, INC., ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 188 App. Div. 3d 587, 132 N. Y. S. 3d 634.

No. 21–892. *PATTERSON v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 21–893. *APOTEX INC. ET AL. v. CEPHALON, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 856 Fed. Appx. 309.

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No. 21–894. *GARDNER v. NEW YORK PRESBYTERIAN BROOKLYN METHODIST HOSPITAL ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 21–897. *BENSON ET AL. v. KEMSKE ET VIR.* C. A. 8th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 204.

No. 21–904. *KINNEY v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–905. *RIMPSON ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 21–907. *KIRBY v. NORTH CAROLINA.* C. A. 4th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 80.

No. 21–909. *KHAI QUANG BUI v. RUIZ CABAELLERO.* Sup. Ct. Va. Certiorari denied.

No. 21–910. *ZAITZEFF v. CITY OF SEATTLE, WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 17 Wash. App. 2d 1, 484 P. 3d 470.

No. 21–911. *SHARP v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 6 F. 4th 573.

No. 21–912. *MAEHR v. DEPARTMENT OF STATE.* C. A. 10th Cir. Certiorari denied. Reported below: 5 F. 4th 1100.

No. 21–913. *JAMESTOWN S'KLALLAM TRIBE ET AL. v. LUMMI NATION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 849 Fed. Appx. 216.

No. 21–915. *McKINNEY v. WORMUTH, SECRETARY OF THE ARMY.* C. A. D. C. Cir. Certiorari denied. Reported below: 5 F. 4th 42.

No. 21–916. *FOFANA v. MAYORKAS, SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 4 F. 4th 668.

No. 21–917. *DIAZ v. WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BENNETTSVILLE.* C. A. 4th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 664.

No. 21–919. *RODENBURG LLP, DBA RODENBURG LAW FIRM v. CINCINNATI INSURANCE CO.* C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 4th 1033.

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No. 21–921. *WITASCHEK v. DISTRICT OF COLUMBIA*. Ct. App. D. C. Certiorari denied. Reported below: 254 A. 3d 1151.

No. 21–922. *COMBS v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 168 N. E. 3d 985.

No. 21–923. *PACHECO v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–924. *ATRAQCHI ET AL. v. UNITED STATE ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–925. *MONTERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–927. *CRABTREE v. CRABTREE*. Sup. Ct. S. C. Certiorari denied.

No. 21–935. *MCILWAIN, LLC v. HAGENS BERMAN SOBOLOFF SHAPIRO LLP*. C. A. 9th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 427.

No. 21–937. *HOLLOWAY v. MINNESOTA*. C. A. 8th Cir. Certiorari denied.

No. 21–940. *KENTUCKY v. MCCARTHY*. Sup. Ct. Ky. Certiorari denied. Reported below: 628 S. W. 3d 18.

No. 21–946. *COSCIA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 4 F. 4th 454.

No. 21–947. *DAVIS ET AL. v. HODGKISS*. C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 4th 329.

No. 21–957. *WEBBER v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2021 IL App (2d) 191090–U.

No. 21–964. *RYE v. LUCAS COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES*. Ct. App. Ohio, 6th App. Dist., Lucas County. Certiorari denied. Reported below: 2021-Ohio-1969.

No. 21–982. *MARKLAND v. ASSET ACCEPTANCE, LLC*. Ct. Civ. App. Okla. Certiorari denied.

No. 21–983. *MEISNER v. ZYMOGENETICS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 853 Fed. Appx. 860.

No. 21–985. *OKLAHOMA v. SHRIVER*. Ct. Crim. App. Okla. Certiorari denied.

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No. 21–996. *ALLUMS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 858 Fed. Appx. 420.

No. 21–1006. *KIRSCHNER v. FITZSIMONS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 10 F. 4th 147.

No. 21–1007. *HAWKLAND v. HALL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 860 Fed. Appx. 326.

No. 21–1011. *PATTEN ET AL. v. DISTRICT OF COLUMBIA*. C. A. D. C. Cir. Certiorari denied. Reported below: 9 F. 4th 921.

No. 21–1012. *HEIDELBERG, DBA RIO SECO RESOURCES, ET AL. v. D. O. H. OIL Co.* Ct. App. Tex., 11th Dist. Certiorari denied.

No. 21–1023. *GOW v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–1026. *WALTERS v. WISCONSIN OFFICE OF LAWYER REGULATION ET AL.* Sup. Ct. Wis. Certiorari denied.

No. 21–1035. *HARRIS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 837 Fed. Appx. 839.

No. 21–1036. *GAMON PLUS, INC. v. CAMPBELL SOUP CO. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 10 F. 4th 1268.

No. 21–5411. *SMITH v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 848 Fed. Appx. 624.

No. 21–5777. *WILSON v. LOUISIANA*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2021–0167 (La. App. 1 Cir. 2/24/21).

No. 21–5826. *BAXTER v. MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 998 F. 3d 542.

No. 21–5902. *CAMPBELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 178.

No. 21–5905. *CHRISTEN v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 2021 WI 39, 396 Wis. 2d 705, 958 N. W. 2d 746.

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No. 21–5909. *COOPER v. ADVANCED INTERNET AUTOMATION, LLC, ET AL.* Sup. Ct. Va. Certiorari denied.

No. 21–5928. *GARCIA v. GARLAND, ATTORNEY GENERAL.* C. A. 2d Cir. Certiorari denied. Reported below: 847 Fed. Appx. 50.

No. 21–5972. *CAMARGO v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–5978. *HALL v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 852 Fed. Appx. 450.

No. 21–6068. *TINGLE v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 21–6120. *PEREZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 6 F. 4th 448.

No. 21–6139. *NUÑEZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 320.

No. 21–6159. *SKINNER v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 322 So. 3d 54.

No. 21–6190. *FINLEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 212.

No. 21–6191. *HERNANDEZ-PACHECO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 849 Fed. Appx. 252.

No. 21–6202. *CLARK v. HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 988 F. 4th 1326.

No. 21–6285. *HUGHBANKS v. SHOOP, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 2 F. 4th 527.

No. 21–6289. *ANDREWS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 861 Fed. Appx. 113.

No. 21–6295. *MACK v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 798.

No. 21–6388. *ROACH v. WASHINGTON, DIRECTOR, UNITED STATES MARSHALS SERVICE, ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 21–6393. *WOODBURY v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 320 So. 3d 631.

No. 21–6403. *GUILLORY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6408. *HARNAGE v. BRENNAN ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–6413. *SMITH v. FLEMING, JUDGE, ET AL.* Sup. Ct. Ky. Certiorari denied.

No. 21–6414. *MARIETTA v. LOBUE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 851 Fed. Appx. 108.

No. 21–6420. *TANASESCU ET AL. v. COROIAN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6430. *ROBERSON v. MORGAN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 158.

No. 21–6432. *RYDER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 2021 OK CR 36, 500 P. 3d 647.

No. 21–6438. *SMITH v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 379 N. C. 166, 863 S. E. 2d 589.

No. 21–6443. *BOSSE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 2021 OK CR 30, 499 P. 3d 771.

No. 21–6451. *BENSON v. IHSS DPSS, IN HOME SUPPORTIVE SERVICES, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6462. *GOODE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6464. *HANSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6469. *CAMPBELL v. LAMANNA*. C. A. 2d Cir. Certiorari denied.

No. 21–6470. *KOGIANES v. JENSEN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 782.

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No. 21–6475. *HOLLINGSWORTH v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 250 Md. App. 730 and 742.

No. 21–6478. *MERID v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 300 Va. 77, 858 S. E. 2d 825.

No. 21–6479. *LANGSTON v. PHILLIPS, CHAIRMAN, MISSOURI BOARD OF PROBATION AND PAROLE*. Sup. Ct. Mo. Certiorari denied.

No. 21–6480. *MARTINEZ v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–6485. *R. S. C. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES*. Sup. Ct. Tex. Certiorari denied. Reported below: 627 S. W. 3d 211.

No. 21–6488. *MANN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 21–6489. *SWANSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 21–6493. *KINLEY v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 251 A. 3d 1239.

No. 21–6494. *COLE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 2021 OK CR 28, 499 P. 3d 760.

No. 21–6495. *AMARO v. NEW MEXICO ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6496. *WOOD v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 303 So. 3d 1289.

No. 21–6497. *HYE-YOUNG PARK v. BRUCE*. C. A. 7th Cir. Certiorari denied.

No. 21–6498. *HYE-YOUNG PARK v. BOARD OF TRUSTEES FOR THE UNIVERSITY OF ILLINOIS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 21–6503. *GUPTA v. UNIVERSITY OF CONNECTICUT*. C. A. 2d Cir. Certiorari denied.

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No. 21–6506. *ALLEN v. NOETH, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 21–6507. *BROWN v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6508. *JONES v. HOCHUL, GOVERNOR OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 2 F. 4th 22.

No. 21–6509. *OGUNJOBI v. UNITED NATIONS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 672.

No. 21–6511. *SMITH v. DANIEL*. Ct. App. Ky. Certiorari denied.

No. 21–6513. *SCHNEIDER v. BANK OF AMERICA, N. A., ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 21–6515. *MORRIS v. WORLEY ET AL.* C. A. 7th Cir. Certiorari denied.

No. 21–6516. *ROBINSON v. BAILEY*. Ct. App. Ohio, 9th App. Dist., Lorain County. Certiorari denied.

No. 21–6526. *PEPPER v. WILLIAMS, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6527. *JOHNSON v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 313 Kan. 339, 486 P. 3d 544.

No. 21–6528. *LEON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6529. *JENKINS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6531. *NICHOLS v. KERSTEIN ET AL.* C. A. 8th Cir. Certiorari denied.

No. 21–6532. *KRUPPE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 21–6533. *JOHNSON v. MCGUIRE ET AL.* C. A. 10th Cir. Certiorari denied.

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No. 21–6543. *MACKENZIE v. FUDGE, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 21–6547. *LONG v. VANNOY, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 849 Fed. Appx. 94.

No. 21–6558. *ROSARIO v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 248 A. 3d 599.

No. 21–6562. *PLAZA v. SMITH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6563. *SANCHEZ-TORRES v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 21–6564. *CRUZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 21–6567. *BROWN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2020 IL App (1st) 162429–U.

No. 21–6574. *WARTERFIELD v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 853 Fed. Appx. 989.

No. 21–6577. *OSTOPOWICZ v. UNITED HEALTHCARE.* C. A. 7th Cir. Certiorari denied.

No. 21–6578. *LERI v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 849 Fed. Appx. 898.

No. 21–6586. *MARTINEZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 21–6588. *ANDERSON v. WRIGHT, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–6590. *KING v. TENNESSEE.* Ct. Crim. App. Tenn. Certiorari denied.

No. 21–6596. *WOODS v. ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6602. *CHRISTIAN v. CROW, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS.* C. A. 10th Cir. Certiorari denied.

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No. 21–6603. *BLAUCH v. CITY OF WESTMINSTER, COLORADO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 327.

No. 21–6604. *BOWERS v. NOETH, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 21–6606. *TYMES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 21–6610. *BRUNER v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 21–6611. *SALAZAR v. GARLAND, ATTORNEY GENERAL.* C. A. 3d Cir. Certiorari denied. Reported below: 852 Fed. Appx. 62.

No. 21–6612. *CAVITT v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied.

No. 21–6613. *RUSSELL ET AL. v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 845 Fed. Appx. 818.

No. 21–6619. *NATION v. FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES.* C. A. 8th Cir. Certiorari denied.

No. 21–6620. *PRALL v. BRUCK, ACTING ATTORNEY GENERAL OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6622. *LAWSON v. WEST ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 852 Fed. Appx. 111.

No. 21–6626. *EHINGER v. MICHIGAN.* Sup. Ct. Mich. Certiorari denied. Reported below: 508 Mich. 895, 962 N. W. 2d 288.

No. 21–6627. *GREENFIELD ET AL. v. MUNOZ.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2021 IL App (1st) 200875–U.

No. 21–6628. *M McNABB v. TEXAS.* Ct. App. Tex., 7th Dist. Certiorari denied.

No. 21–6635. *GIBBS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 21–6637. *IVERY v. OHIO.* Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied.

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No. 21–6641. *WASHBURN v. CLARK*. C. A. 4th Cir. Certiorari denied. Reported below: 858 S. W. 3d 653.

No. 21–6647. *KERR v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 968.

No. 21–6648. *MONTGOMERY v. HUDSON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–6649. *HULTMAN v. PARAMO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–6650. *HARVELL v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6652. *FLUID v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–6653. *FERMIN v. ANNUCCI, ACTING COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION*. C. A. 2d Cir. Certiorari denied.

No. 21–6654. *DAVIDSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 323 So. 3d 1241.

No. 21–6655. *TREVILLION v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21–6660. *JONES v. RIDDER ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–6662. *WATTS v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 21–6663. *KHAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 997 F. 3d 242.

No. 21–6665. *DELIA v. DEPARTMENT OF JUSTICE ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6666. *JOHNSON v. JOHNSON ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6669. *SCULLY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 11 Cal. 5th 542, 486 P. 3d 1029.

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No. 21–6672. *BISHOP v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 21–6673. *BEATTY v. OHIO*. Ct. App. Ohio, 5th App. Dist., Muskingum County. Certiorari denied.

No. 21–6675. *MCCLELAND v. RAEMISCH ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6677. *PINSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 21–6678. *MENDEZ v. CITY OF BOISE, IDAHO, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 845 Fed. Appx. 636.

No. 21–6680. *CANNON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6681. *CRAPSER v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 626.

No. 21–6682. *SHORT v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 310 Neb. 81, 964 N. W. 2d 272.

No. 21–6683. *VINES v. CITY OF BLACK DIAMOND, WASHINGTON, ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 18 Wash. App. 2d 1003.

No. 21–6684. *VOLPICELLI v. SECOND JUDICIAL DISTRICT COURT OF NEVADA, WASHOE COUNTY, ET AL.* Ct. App. Nev. Certiorari denied. Reported below: 137 Nev. 1233, 492 P. 3d 9.

No. 21–6686. *BAKER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–6690. *PYATT v. AECOM TECHNICAL SERVICES, INC.* C. A. 11th Cir. Certiorari denied.

No. 21–6691. *HICKS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 5 F. 4th 270.

No. 21–6692. *RAMOS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21–6694. *BRANTLEY v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES*; and

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No. 21–6696. *L. W. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES*. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 21–6697. *WALKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6699. *J. T. v. MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES*. Ct. Sp. App. Md. Certiorari denied. Reported below: 251 Md. App. 716.

No. 21–6702. *PORTER v. JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6703. *CUMBERLAND v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 957.

No. 21–6704. *DREW v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 4th 718.

No. 21–6705. *WARTERFIELD v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–6709. *WIJE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 193.

No. 21–6712. *FULLER v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 624 S. W. 3d 855.

No. 21–6715. *SULLIVAN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII*. C. A. 9th Cir. Certiorari denied.

No. 21–6716. *ROMERO v. MCDOWELL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–6717. *SANDERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 4 F. 4th 672.

No. 21–6720. *AL-MAQABLH v. CAMERON, ATTORNEY GENERAL OF KENTUCKY*. C. A. 6th Cir. Certiorari denied.

No. 21–6721. *ANDERSON v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 264 A. 3d 628.

No. 21–6722. *TREVINO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 4th 414.

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No. 21-6723. *WATSON-BUISSON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 21-6724. *THOMPSON v. ALASKA*. Ct. App. Alaska. Certiorari denied.

No. 21-6725. *SCOHY v. PINELLAS COUNTY CODE ENFORCEMENT DIVISION*. Sup. Ct. Fla. Certiorari denied.

No. 21-6726. *DAVIS v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 317 So. 3d 82.

No. 21-6727. *DICKINSON v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 2 F. 4th 851.

No. 21-6728. *SCHIED v. U-HAUL INTERNATIONAL, INC., ET AL.* C. A. 8th Cir. Certiorari denied.

No. 21-6729. *SCHIED v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21-6730. *BIYIKOGLU v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21-6731. *MCGARVEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 2 F. 4th 783.

No. 21-6737. *DONOGHUE ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied.

No. 21-6738. *WILLINGHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-6741. *DEMBY v. COUNTY OF CAMDEN, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21-6742. *SALGADO-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-6743. *REYES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21-6744. *RESTO-FIGUEROA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 6 F. 4th 205.

No. 21-6745. *GARRETT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 21–6746. *RAMIREZ-RUBIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6749. *SULLIVAN v. SPROUL, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 21–6750. *WILSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6751. *MENDOZA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21–6754. *MINK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 4th 590.

No. 21–6755. *PUGH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2021 IL App (1st) 181981–U.

No. 21–6757. *PETLECHKOV v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–6758. *JONES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–6759. *JONES v. JOHNSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–6760. *COTTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–6761. *KILLEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6762. *JUAREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6767. *CLARK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6768. *GOINES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–6769. *BURNING BREAST v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 8 F. 4th 808.

No. 21–6775. *HARDAWAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 999 F. 3d 1127.

No. 21–6776. *CAREY v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2021 IL App (4th) 190097–U.

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No. 21-6781. *DURY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 674.

No. 21-6785. *THOMAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21-6786. *WARREN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21-6788. *LINDSEY v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 3 F. 4th 32.

No. 21-6789. *SINGH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21-6790. *RYAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21-6793. *TILLMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21-6795. *WHITE v. GARRETT, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 856 Fed. Appx. 130.

No. 21-6799. *NORRIS v. BROOK FOREST COMMUNITY ASSN., INC.* C. A. 5th Cir. Certiorari denied.

No. 21-6800. *MURSHID v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 326 So. 3d 489.

No. 21-6802. *WILSON v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21-6803. *ROSALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 326.

No. 21-6812. *GERARDO VELASQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-6814. *FLORES-MORA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 21-6816. *CREWS v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 21-6817. *JONES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

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No. 21–6819. *VARNER v. SHEPARD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 4th 1252.

No. 21–6821. *COX v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 21–6823. *ARNOLD v. RICHARDSON, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 14 F. 4th 780.

No. 21–6824. *BARNES v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 4th 977.

No. 21–6825. *BUSTAMANTE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 268.

No. 21–6831. *RICHARDSON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 21–6833. *SARABIA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 21–6838. *BOYD v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 21–6839. *AMODEO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 830 Fed. Appx. 295.

No. 21–6840. *BART v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 21–6844. *CARABALLO-MARTINEZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 21–6849. *VAQUIZ v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 21–6852. *BRADLEY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 998 F. 3d 716.

No. 21–6858. *SMITH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 90.

No. 21–6859. *SCOTT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 21–6860. *LYERLA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

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No. 21–6861. *KAYARATH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–6863. *LOUTE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6864. *JACKSON v. OHIO*. Ct. App. Ohio, 2d App. Dist., Montgomery County. Certiorari denied. Reported below: 2021-Ohio-3114.

No. 21–6874. *BRITT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21–6876. *BRYAN, AKA JOST v. GARLAND, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 21–6878. *COX v. NOBLES, DEPUTY WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 15 F. 4th 1350.

No. 21–6882. *ARGUETA-URBINA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6884. *RODRIGUEZ-MONSERRATE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 22 F. 4th 35.

No. 21–6885. *GONZALEZ SEGOVIA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 858 Fed. Appx. 589.

No. 21–6886. *MARTINEZ-RIVERA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 21–6887. *RODRIGUEZ-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6888. *RICHMOND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–6890. *MOATS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–6894. *ALVARADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6897. *TORRES RUELAS v. BOWSER, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

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No. 21–6901. *MATHES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6905. *DIAZ-QUINTANA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6908. *FLORES v. CATES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–6910. *CRUZADO-LAUREANO v. MULDROW*. C. A. 1st Cir. Certiorari denied.

No. 21–6911. *CAVIENSS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–6912. *JONES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21–6915. *GAFFNEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–6918. *RODRIGUEZ TREVINO v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–6919. *VIGIL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–6920. *COUSINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 70.

No. 21–6921. *PERVIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–6922. *RODD v. LARIVA, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 18.

No. 21–6924. *VEYSEY v. WILLIAMS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 21–6926. *WILCHER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6929. *SUMMERISE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–6930. *RIVERA-GEORGE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 4 F. 4th 1.

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No. 21–6933. *RIVERA-ALEJANDRO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 4 F. 4th 1.

No. 21–6936. *CHEATHAM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 946.

No. 21–6937. *MICHAEL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 4th 858.

No. 21–6939. *BEARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 4th 1115.

No. 21–6940. *SALAS TORRES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 18 F. 4th 395.

No. 21–6942. *GU v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 8 F. 4th 82.

No. 21–6944. *CORENO-GARAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–6955. *UMBAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–6958. *VORASIANGSUK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6960. *ROUSH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–6977. *FLANDERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 847 Fed. Appx. 805.

No. 21–6984. *HEJAZI v. OREGON*. Ct. App. Ore. Certiorari denied.

No. 21–6985. *HEJAZI v. OREGON*. Sup. Ct. Ore. Certiorari denied.

No. 21–6988. *PAVULAK v. WARDEN, FEDERAL MEDICAL CENTER BUTNER*. C. A. 9th Cir. Certiorari denied. Reported below: 14 F. 4th 895.

No. 21–6991. *KENNEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 20–7846. *ORTIZ v. BRESLIN, SUPERINTENDENT, QUEENSBORO CORRECTIONAL FACILITY, ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 3d 187, 163 N. E. 3d 1041.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

In New York, criminal defendants who earn sufficient good time credits before the end of their prison sentences are entitled to conditional release. Defendants classified by the State as “level three sex offenders,” however, must first assure the State that they will not reside within 1,000 feet of any school. In New York City, this is no easy task, and the difficulties of finding a compliant residence can result in defendants serving additional time in prison past the expiration of their sentences. Because petitioner Angel Ortiz was unable to identify any release address that satisfied the State’s requirement, he spent over two additional years incarcerated when he should have been at liberty. Although Ortiz’s petition does not satisfy this Court’s criteria for granting certiorari, I write to emphasize that New York’s residential prohibition, as applied to New York City, raises serious constitutional concerns.

I

Ortiz was sentenced in New York state court to 10 years in prison and 5 years of postrelease supervision. Near the end of his prison term, Ortiz had earned good time credits that entitled him to release to a term of community supervision. As required by New York’s Department of Corrections and Community Supervision (DOCCS), Ortiz proposed that he would reside with his mother and his daughter in their New York City apartment. The DOCCS denied Ortiz’s request, citing New York law that it interprets to prohibit a person designated as a “level three sex offender,” like Ortiz, from residing within 1,000 feet of a school. See N. Y. Exec. Law Ann. §259–c(14); N. Y. Penal Law Ann. §220.00(14) (West Cum. Supp. 2022).¹ Ortiz then proposed dozens of other release addresses, including various homeless shelters, but DOCCS rejected each one. As a result, Ortiz spent the entirety of his 17 months of conditional release in prison.

¹The text of the relevant law provides that a covered “offender shall refrain from knowingly entering into or upon any school grounds.” N. Y. Exec. Law Ann. §259–c(14). New York defines “[s]chool grounds” as “any area accessible to the public located within one thousand feet” of a school. N. Y. Penal Law Ann. §220.00. DOCCS interpreted this requirement to reject Ortiz’s proposed release address because a childcare center was located in his family’s apartment building.

Even after Ortiz served the full 10 years of his sentence, Ortiz's confinement did not end. Instead of releasing Ortiz, New York transferred him to a state prison that it designated a "Residential Treatment Facility" to begin serving his period of postrelease supervision. Ortiz spent eight months in two of these facilities, where he lived behind barbed wire, in a general prison population, in conditions nearly identical to those in which he served his sentence.² All told, because of New York's residency prohibition, Ortiz was imprisoned for over two years longer than he otherwise would have been.

While at a Residential Treatment Facility, Ortiz filed a petition for a writ of habeas corpus in state court, seeking release to any one of the New York City Department of Homeless Services shelters, or, failing that, to live unhoused on the street. The court denied the writ, reasoning that Ortiz had not located "compliant community housing," and thus, his continued detention was warranted. App. to Pet. for Cert. 91a. The intermediate appellate court affirmed, and, in a divided opinion, the New York Court of Appeals affirmed as well.

II

In effect, New York's policy requires indefinite incarceration for some indigent people judged to be sex offenders. The within-1,000-feet-of-a-school ban makes residency for Ortiz and others practically impossible in New York City, where the city's density guarantees close proximity of schools. See *Gonzalez v. Annucci*, 32 N. Y. 3d 461, 470, 117 N. E. 3d 795, 800 (2018) (acknowledging the "dearth" of compliant housing in New York City). Rather than tailor its policy to the geography of New York City or provide shelter options for this group, New York has chosen to imprison people who cannot afford compliant housing past both their conditional release date and the expiration of their maximum sentences.

Judge Jenny Rivera's dissent below ably explains how New York's policies as applied to people like Ortiz raise constitutional concerns.³ *People ex rel. Johnson v. Superintendent*, 36 N. Y. 3d

²The principal difference between the treatment of Ortiz and the other residents serving sentences was that Ortiz was occasionally allowed to leave, guarded by armed correctional officers, to join a work crew that unloaded trucks at a nearby police facility.

³Judge Rowan Wilson's dissent also importantly addresses how DOCCS's policy violates New York City's obligation to provide shelter to those in need. *Johnson*, 36 N. Y. 3d, at 231, 163 N. E. 3d, at 1072.

187, 207, 163 N. E. 3d 1041, 1056 (2020). Although individuals generally do not have a protected liberty interest in conditional release before expiration of their sentences, such an interest “may arise from an expectation or interest created by state laws or policies.” *Wilkinson v. Austin*, 545 U. S. 209, 221 (2005); see also *Sandin v. Conner*, 515 U. S. 472, 483–484 (1995) (“States may under certain circumstances create liberty interests . . . protected by the Due Process Clause”). Here, New York law provides that a defendant “shall . . . be conditionally released” once he earns sufficient credits, as Ortiz did. N. Y. Penal Law Ann. § 70.40 (West 2021). As a New York City resident, Ortiz also enjoyed a right to “shelter and board [for] each homeless man who applies for it.” *Callahan v. Carey*, 307 App. Div. 2d 150, 151, 762 N. Y. S. 2d 349, 350 (2003). In my view, under these New York state and city policies, Ortiz may well have held a liberty interest at the point that he became entitled to conditional release. At the very least, however, Ortiz indisputably held a liberty interest in his release at the expiration of his full sentence.

The State’s denial of Ortiz’s liberty interest in his release demands heightened scrutiny. Even absent such scrutiny, however, as Judge Rivera explains, New York’s policy of indefinite detention may not withstand even rational-basis review. *Johnson*, 36 N. Y. 3d, at 218–221, 163 N. E. 3d, at 1063–1065. No one doubts that New York’s goal of preventing sexual violence toward children is legitimate and compelling, but New York nonetheless must advance that objective through rational means. Courts, law enforcement agencies, and scholars all have acknowledged that residency restrictions do not reduce recidivism and may actually increase the risk of reoffending. For example, in striking down retroactive application of Michigan’s residency restriction, the Sixth Circuit found no evidence that “residential restrictions have any beneficial effect on recidivism rates.” *Does #1–5 v. Snyder*, 834 F. 3d 696, 705 (2016). The Superior Court of New Jersey, Appellate Division, struck down local ordinances establishing residential restrictions, concluding that they were pre-empted by state law. See *G. H. v. Galloway*, 401 N. J. Super. 392, 951 A. 2d 221 (2008), *aff’d*, 199 N. J. 135, 971 A. 2d 401 (2009). The court explained that the local ordinances “make it difficult for a [convicted sex offender] to find stable housing, which can cause loss of employment and financial distress, factors which inadvertently increase the chance of reoffense.” 401 N. J. Super., at 417, 951 A. 2d, at 236.

Law enforcement agencies also recognize that residency restrictions are often counterproductive. The Department of Justice acknowledges that there is “no empirical support for the effectiveness of residence restrictions” such as New York’s. Office of Justice Programs, Sex Offender Management Assessment and Planning Initiative 205 (2017). In fact, the Department notes, residency restrictions may cause “a number of negative unintended consequences” that “aggravate rather than mitigate offender risk.” *Ibid.* An empirical study of recidivism conducted by the Minnesota Department of Corrections confirmed that “none of the 224 sex offenses would likely ha[ve] been deterred by a residency restriction law.” G. Duwe, Residency Restrictions and Sex Offender Recidivism: Implications for Public Safety, 2 Geography & Pub. Safety 6, 7 (May 2009). Like the Department of Justice, the Minnesota Department of Corrections concluded that “[b]y making it more difficult for sex offenders to find suitable housing and successfully reintegrate into the community, residency restrictions may actually compromise public safety by fostering conditions that increase offenders’ risk of reoffending.” *Id.*, at 8.

A large body of scholarship also cautions against residency restrictions as a means of reducing recidivism. Criminologists considering data from Missouri and Michigan concluded that residency restrictions have little or no effect on recidivism. B. Huebner et al., The Effect and Implications of Sex Offender Residence Restrictions: Evidence From a Two-State Evaluation, 13 C. & Pub. Pol’y 139, 156 (2016). A similar study of recidivism rates in Florida reached the same conclusion. P. Zandbergen, J. Levenson, & T. Hart, Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism, 37 Crim. Justice & Behavior 482, 498 (2010) (“The results of this study indicate no empirical association between where a sex offender lives and whether he reoffends sexually against a minor”). Other scholars have explained that by banishing returning individuals to the margins of society, residency restrictions may lead to homelessness, unemployment, isolation, and other conditions associated with an increased risk of recidivism. See generally A. Frankel, Pushed Out and Locked In: The Catch-22 for New York’s Disabled, Homeless Sex-Offender Registrants, 129 Yale L. J. Forum 279 (2019).

Despite the empirical evidence, legislatures and agencies are often not receptive to the plight of people convicted of sex of-

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fenses and their struggles in returning to their communities. Nevertheless, the Constitution protects all people, and it prohibits the deprivation of liberty based solely on speculation and fear.

When the political branches fall short in protecting these guarantees, the courts must step in. Indeed, although a clear split has yet to develop among Federal Courts of Appeals or state courts of last resort, a growing number of courts have confronted issues caused by the extended imprisonment of people convicted of sex offenses. In Illinois, for instance, a Federal District Court enjoined the State from jailing people convicted of sex offenses “indefinitely because they are unable to find a residence due to indigence and lack of support.” *Murphy v. Raoul*, 380 F. Supp. 3d 731, 738, 766 (ND Ill. 2019). The Court of Appeals of North Carolina held under state law that North Carolina could not revoke a person’s probation simply because he could not find a residence that complied with the State’s residency restriction. *State v. Talbert*, 221 N. C. App. 650, 727 S. E. 2d 908 (2012). In Wisconsin, after litigation challenged the State’s policy of jailing people convicted of sex offenses past their mandatory release dates, Wisconsin voluntarily rescinded its policy requiring detention beyond the expiration of a sentence. See *Werner v. Wall*, 836 F. 3d 751, 757 (CA7 2016). Because of the grave importance of these issues and the frequency with which they arise, it seems only a matter of time until this Court will come to address the question presented in this case.

* * *

New York should not wait for this Court to resolve the question whether a State can jail someone beyond their parole eligibility date, or even beyond their mandatory release date, solely because they cannot comply with a restrictive residency requirement. I hope that New York will choose to reevaluate its policy in a manner that gives due regard to the constitutional liberty interests of people like Ortiz.

No. 21–210. *WISCONSIN v. JENSEN*. Sup. Ct. Wis. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this motion and this petition. Reported below: 2021 WI 27, 396 Wis. 2d 196, 957 N. W. 2d 244.

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No. 21–351. *WILD v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA*. C. A. 11th Cir. Motion of Child USA for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 994 F. 3d 1244.

No. 21–560. *DAKOTA ACCESS, LLC v. STANDING ROCK SIOUX TRIBE ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE ALITO and JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 985 F. 3d 1032.

No. 21–603. *OHIO v. BRINKMAN*. Sup. Ct. Ohio. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 2021-Ohio-2473.

No. 21–637. *LEE, SUPERINTENDENT, EASTERN CORRECTIONAL FACILITY v. GARLICK*. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 1 F. 4th 122.

No. 21–705. *OKLAHOMA v. YARGEE*. Ct. Crim. App. Okla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 21–734. *OKLAHOMA v. LITTLE*. Ct. Crim. App. Okla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 21–874. *ARMSTRONG v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 21–896. *MARTIN, WARDEN v. JOHNSON*; and

No. 21–6661. *JOHNSON v. MARTIN, WARDEN*. C. A. 10th Cir. Motion of respondent in No. 21–896 for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 3 F. 4th 1210.

No. 21–932. *TRUMP, FORMER PRESIDENT OF THE UNITED STATES v. THOMPSON, CHAIRMAN OF THE UNITED STATES HOUSE SELECT COMMITTEE TO INVESTIGATE THE JANUARY 6TH ATTACK ON THE UNITED STATES CAPITOL, ET AL.* C. A. D. C. Cir. Motion of States United Democracy Center et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 20 F. 4th 10.

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No. 21–934. *WEINBACH v. BOEING CO. ET AL.* C. A. 8th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 6 F. 4th 855.

No. 21–6483. *MCNEIL v. DEPARTMENT OF STATE ET AL.* C. A. D. C. Cir. Certiorari before judgment denied.

No. 21–6549. *LAY v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 21–6550. *LAY v. EL HABTI, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

Rehearing Denied

No. 20–7144. *XUE JIE HE v. HAIRONG XUE*, 593 U. S. 932;
No. 20–8304. *GOSTON v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION*, 595 U. S. 944;

No. 20–8377. *GARDNER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 948;

No. 21–153. *MANKARUSE v. INTEL CORP. ET AL.*, 595 U. S. 997;
No. 21–507. *LAWYERS UNITED INC. ET AL. v. UNITED STATES ET AL.*, 595 U. S. 1091;

No. 21–525. *BHIMNATHWALA v. JUDICIARY OF THE STATE OF NEW JERSEY ET AL.*, 595 U. S. 1119;

No. 21–562. *PRUITT v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.*, 595 U. S. 1120;

No. 21–610. *SHUMAN ET UX. v. COMMISSIONER OF INTERNAL REVENUE*, 595 U. S. 1092;

No. 21–673. *AUSTIN v. MCCANN, JUDGE, ET AL.*, 595 U. S. 1136;

No. 21–720. *RATHEAL v. UNITED STATES*, 595 U. S. 1137;

No. 21–5038. *BLEDSON v. STOCKTON POLICE DEPARTMENT ET AL.*, 595 U. S. 965;

No. 21–5079. *BLEDSON v. GUILIANI, JUDGE, SUPERIOR COURT OF CALIFORNIA, SAN JOAQUIN COUNTY, ET AL.*, 595 U. S. 967;

No. 21–5190. *HINES v. REISCH, INTERIM SECRETARY, SOUTH DAKOTA DEPARTMENT OF CORRECTIONS, ET AL.*, 595 U. S. 973;

No. 21–5223. *BLEDSON v. CBS TELEVISION NETWORK ET AL.*, 595 U. S. 975;

No. 21–5416. *BLEDSON v. FACEBOOK ET AL.*, 595 U. S. 1018;

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No. 21–5470. *LOMELI-GARCIA v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.*, 595 U. S. 1019;

No. 21–5490. *BOURGEOIS v. TEXAS*, 595 U. S. 1043;

No. 21–5554. *GIBBS v. SOUTH CAROLINA*, 595 U. S. 1007;

No. 21–5621. *IN RE DISANTO*, 595 U. S. 1062;

No. 21–5623. *ROBERTS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 1072;

No. 21–5654. *ORTEGA, AKA HERRERO FLORES v. OREGON*, 595 U. S. 1010;

No. 21–5677. *ARMSTEAD v. DEVILLE, WARDEN*, 595 U. S. 1073;

No. 21–5696. *FAN GU v. INVISTA S. A. R. L.*, 595 U. S. 1074;

No. 21–5733. *WESTRY v. LEON*, 595 U. S. 1083;

No. 21–5760. *AURIEMMA v. BROOMFIELD MUNICIPAL COURT ET AL.*, 595 U. S. 1084;

No. 21–5781. *SCURLOCK-ZINDLER v. ZINDLER*, 595 U. S. 1094;

No. 21–5897. *SHAKOURI v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 1097;

No. 21–5903. *JOHNSON ET AL. v. UNITED STATES*, 595 U. S. 1077;

No. 21–5986. *HAMPTON v. PROF-2013-S3 LEGAL TITLE TRUST, BY U. S. BANK N. A., AS LEGAL TITLE TRUSTEE*, 595 U. S. 1085;

No. 21–5987. *HAMPTON v. PROF-2013-S3 LEGAL TITLE TRUST, BY U. S. BANK N. A., AS LEGAL TITLE TRUSTEE*, 595 U. S. 1085;

No. 21–6025. *HINES v. NELSON*, 595 U. S. 1098;

No. 21–6032. *HURT v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS*, 595 U. S. 1098;

No. 21–6052. *MATTISON v. UNITED STATES*, 595 U. S. 1122; and

No. 21–6162. *SALES v. TENNESSEE*, 595 U. S. 1101. Petitions for rehearing denied.

No. 20–7143. *HEYANGJING SHI ET AL. v. MASH*, 593 U. S. 932. Motion of petitioners for leave to file petition for rehearing denied.

No. 20–8461. *IN RE LUSSY*, 595 U. S. 909. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 21–154. *MANKARUSE v. RAYTHEON CO. ET AL.*, 595 U. S. 1011. Petition for rehearing denied. JUSTICE BREYER and JUSTICE

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TICE ALITO took no part in the consideration or decision of this petition.

No. 21–435. LOGGINS *v.* PILSHAW, JUDGE, DISTRICT COURT OF KANSAS, SEDGWICK COUNTY, ET AL., 595 U. S. 1085. Petition for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 21–5832. IN RE WILLIS, 595 U. S. 1089; and

No. 21–5833. IN RE WILLIS, 595 U. S. 1089. Petitions for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of these petitions.

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Miscellaneous Order

No. 21–147. EGBERT *v.* BOULE. C. A. 9th Cir. [Certiorari granted, 595 U. S. 1060.] Joint motion of the parties and the Solicitor General for leave to file a revised redacted joint appendix for the public record granted.

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Miscellaneous Orders

No. 21M81. MATTHEWS *v.* LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 21M82. KHURANA *v.* IDAHO DEPARTMENT OF HEALTH AND WELFARE; and

No. 21M83. BELLAMY *v.* KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 21–401. ZF AUTOMOTIVE US, INC., ET AL. *v.* LUXSHARE, LTD. C. A. 6th Cir.; and

No. 21–518. ALIXPARTNERS, LLP, ET AL. *v.* FUND FOR PROTECTION OF INVESTORS' RIGHTS IN FOREIGN STATES. C. A. 2d Cir. [Certiorari granted, 595 U. S. 1106.] Joint motion of the parties for divided argument and for enlargement of time for oral argument granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted.

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No. 21–6022. IN RE HEDRICK. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1130] denied.

No. 21–7087. IN RE THOMPSON. Petition for writ of habeas corpus denied.

No. 21–7047. IN RE GADSDEN. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8.

No. 21–6773. IN RE HEDRICK. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court’s Rule 39.8.

No. 21–6778. IN RE GARRETT. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 21–376. HAALAND, SECRETARY OF THE INTERIOR, ET AL. *v.* BRACKEEN ET AL.;

No. 21–377. CHEROKEE NATION ET AL. *v.* BRACKEEN ET AL.;

No. 21–378. TEXAS *v.* HAALAND, SECRETARY OF THE INTERIOR, ET AL.; and

No. 21–380. BRACKEEN ET AL. *v.* HAALAND, SECRETARY OF THE INTERIOR, ET AL. C. A. 5th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Parties that were plaintiffs/appellees in the lower courts shall file opening and reply briefs in conformity with this Court’s Rules 33.1(g)(v) and (vii), under the schedule set forth in Rules 25.1 and 25.3. Parties that were defendants/appellants in the lower courts shall file briefs in conformity with Rule 33.1(g)(vi), under the schedule set forth in Rule 25.2.

Certiorari Denied

No. 21–558. HOWARD JARVIS TAXPAYERS ASSN. ET AL. *v.* CALIFORNIA SECURE CHOICE RETIREMENT SAVINGS PROGRAM ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 997 F. 3d 848.

No. 21–634. WRIGHT *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 168 N. E. 3d 244.

No. 21–767. WILLIAMS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

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No. 21-769. *LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS v. WHITMER, GOVERNOR OF MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 998 F. 3d 269.

No. 21-782. *YOUNG v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 312 Ga. 71, 860 S. E. 2d 746.

No. 21-814. *CASTAGNA ET AL. v. JEAN ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 2 F. 4th 9.

No. 21-930. *XIU JIAN SUN v. OBAMA.* C. A. D. C. Cir. Certiorari denied.

No. 21-931. *SALAAM v. MCAULEY.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 21-933. *VDARE FOUNDATION v. CITY OF COLORADO SPRINGS, COLORADO.* C. A. 10th Cir. Certiorari denied. Reported below: 11 F. 4th 1151.

No. 21-939. *BEASLEY v. SOCIETY OF INFORMATION MANAGEMENT, DALLAS AREA CHAPTER, ET AL.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 21-944. *TRIPODI ET AL. v. NORTH COVENTRY TOWNSHIP, PENNSYLVANIA.* Commw. Ct. Pa. Certiorari denied. Reported below: 252 A. 3d 695.

No. 21-952. *BAGLEY v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 21-965. *LOPEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 21-1001. *BEY v. RIVELLO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21-1025. *SHEORAN v. WALMART STORES EAST, LP, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 876.

No. 21-1030. *BRIMELOW v. NEW YORK TIMES CO.* C. A. 2d Cir. Certiorari denied.

No. 21-1031. *ESTATE OF BEAUDRY v. TELECHECK SERVICES, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 44.

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No. 21–1041. *MICHAEL J. P. v. BLUE CROSS AND BLUE SHIELD OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–1051. *MENGYANG LI v. SHEPHERD UNIVERSITY PRESIDENT’S OFFICE.* Sup. Ct. App. W. Va. Certiorari denied.

No. 21–1059. *CITIBANK, N. A., ET AL. v. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L. MADOFF INVESTMENT SECURITIES LLC, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 12 F. 4th 171.

No. 21–1063. *DAVIS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 4th 1192.

No. 21–1067. *AMEN BEY, AKA ANDREWS-POWLEY v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 21–1073. *HAMIDI ET AL. v. SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1000.* C. A. 9th Cir. Certiorari denied.

No. 21–1081. *WOOD v. RAFFENSPERGER, GEORGIA SECRETARY OF STATE, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–6073. *FALK v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 21–6098. *ENAMORADO v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 6 F. 4th 180.

No. 21–6374. *GUIDRY v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 2 F. 4th 472.

No. 21–6394. *MATTHEWS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 4th 647.

No. 21–6397. *CHANTHARATH v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 21–6426. *WHITE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 851 Fed. Appx. 482.

No. 21–6733. *CLEVELAND v. WAKEFIELD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 21–6756. *MICKS-HARM v. NICHOLS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–6771. *REDDICKS v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 99 Mass. App. 1118, 167 N. E. 3d 895.

No. 21–6784. *TALBOT v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 21–6808. *VIVAS, AKA MARTINEZ-LARA, AKA LOPEZ-SANTOS v. GARLAND, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied.

No. 21–6836. *LOCUS v. JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6856. *BUTLER v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 21–6875. *ANDERSON v. RUSSELL, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6902. *MUHAMMAD v. ARMEL, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6923. *DiGIACOMO v. SUPERIOR COURT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO*. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 21–6928. *MAXBERRY v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied.

No. 21–6946. *LOZADO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–6948. *RAMSEUR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 325.

No. 21–6951. *ADAIR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 4th 469.

No. 21–6956. *DELGADO-MONTOYA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–6966. *SAMPEL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 860 Fed. Appx. 789.

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No. 21–6969. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6972. *LUZULA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6987. *GRUBBS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 336.

No. 21–6992. *LANE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–6993. *WILLIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 851 Fed. Appx. 650.

No. 21–6994. *LARA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7003. *JOHNSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 861 Fed. Appx. 483.

No. 21–7004. *WARE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21–7005. *DEVORE v. BLACK, WARDEN*. Sup. Ct. Ohio. Certiorari denied. Reported below: 2021-Ohio-3153.

No. 21–7006. *JAIME-GUZMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7013. *WOLFE v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 368 Ore. 38, 486 P. 3d 748.

No. 21–7014. *LOPEZ-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7020. *GORDON v. LIZARRAGA, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 177.

No. 21–7024. *SIERRA-SERRANO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 11 F. 4th 931.

No. 21–7025. *SAMUELS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7026. *SAMAYOA v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 21–7032. *HUNT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 21–7034. *CURRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 852 Fed. Appx. 110.

No. 21–7035. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21–7038. *LILLICH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 6 F. 4th 869.

No. 21–7041. *ANDREWS v. DOBBS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 848 Fed. Appx. 568.

No. 21–7052. *TAYLOR v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–7053. *WRIGHT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7055. *WILLIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7060. *BILYNSKY v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2021 ME 56, 263 A. 3d 163.

No. 21–53. *HOLCOMBE v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 312 So. 3d 132.

JUSTICE SOTOMAYOR, dissenting.

An attorney jointly represented four codefendants in a criminal case. As trial neared, two of the defendants accepted plea deals and agreed to testify against the other two: James Dale Holcombe, the petitioner here, and his father, Dale Chester Holcombe.¹ This created a conflict of interest that even the prosecutor deemed nonwaivable. Nevertheless, the trial court refused defense counsel's offer to withdraw from representing the cooperating codefendants and neglected to conduct a detailed inquiry into the nature and extent of the conflict. The case went to trial, and Holcombe's attorney cross-examined his two cooperating clients, whose sentences depended on the quality of the testimony they provided against Holcombe. Holcombe was convicted, and the Florida Court of Appeal affirmed. Because this Court's prece-

¹For clarity, I refer to Dale Chester Holcombe by his given name and to the petitioner by his surname.

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dents require vacating Holcombe's conviction, I would summarily reverse.

I

At the outset of his criminal prosecution, Holcombe, Dale, and their two codefendants were represented by the same counsel. During a pretrial conference, defense counsel advised the trial court that he would be representing all four codefendants. He explained that he had advised each of the defendants to consult with an independent attorney about the joint representation; that the defendants had done so; and that they wished to waive any conflict and have their counsel continue representing them. The trial judge discussed some of the risks of joint representation with the defendants, expressing concern that they were in "dangerous territory" and "on super thin ice." App. to Brief in Opposition A-12. The attorney responded that "all these cases are probably going to resolve within a certain margin of error that we're prepared to accept as a group," and that he was "not aware of any particular conflict based on our current strategy." *Id.*, at A-16 to A-17. Counsel noted, however, "that if there becomes a conflict I will have to withdraw." *Id.*, at A-16. The court ultimately concluded that the arrangement was not illegal or unethical because the defendants had discussed it and signed a conflict waiver.

As trial approached, however, the nature of the conflict shifted. During another pretrial hearing, defense counsel informed the trial court that two of Holcombe's codefendants had entered pleas. Soon thereafter, the prosecution decided to call them as witnesses against Holcombe and Dale at trial. All four of the codefendants were still represented by the same counsel.

Before jury selection began, the prosecutor told the trial court that, in her opinion, "[t]he circumstances [had] changed" and that Holcombe's two codefendants' decisions to accept plea deals created a "greater conflict that . . . is not waiveable." App. to Pet. for Cert. A-34 to A-35. The prosecutor explained that, because the trial court had postponed the two codefendants' sentencing until after they testified against Holcombe and Dale, the sentences they received would depend on the quality of their testimony. See *id.*, at A-34 ("[I]t's in their best interest to cooperate and testify truthfully in order to benefit from the plea discussions"). Yet in order to represent Holcombe and Dale at trial, the defense attorney would be required to cross-examine those other two codefendants—his "current clients," whose sentences would be de-

terminated based on how “cooperative” they were with the State. *Ibid.* In other words, the shared attorney’s divided loyalties might result in a less-than-exhaustive cross-examination of the cooperating witnesses, to Holcombe’s and Dale’s detriment. Upon hearing the prosecutor’s explanation, defense counsel offered to withdraw from representing the two codefendants and have conflict counsel appointed instead. Defense counsel proceeded to explain that he “d[id]n’t know that [withdrawing would] cur[e]—,” at which point the trial judge interrupted. App. to Brief in Opposition A–34.

Despite being made aware of this patent conflict, the trial judge did not question the remaining two defendants, encourage them to speak to an unconflicted attorney, or advise them that they had a right to separate representation. Instead, the court simply rejected defense counsel’s offer to withdraw, concluding that any conflict had been properly waived earlier in the proceedings, before the two codefendants accepted the plea deals and began cooperating with the prosecution. The trial proceeded; Holcombe’s two codefendants testified against him and Dale on behalf of the prosecution (and were cross-examined by their shared attorney); and Holcombe was convicted and sentenced to 10 years in prison.²

The Florida Court of Appeal affirmed. It concluded that an attorney’s simultaneous representation of both a criminal defendant and two prosecution witnesses, and his cross-examination of those witnesses, does not, without more, create an actual conflict for the purpose of the Sixth Amendment. Because Holcombe had not shown any adverse effect on defense counsel’s performance, the court held that reversal was unwarranted.

II

Although a joint representation of codefendants “is not *per se* violative of constitutional guarantees of effective assistance of counsel,” this Court has recognized that a “[j]oint representation of conflicting interests is suspect” because “the advocate finds himself compelled to refrain” from vigorously defending his clients. *Holloway v. Arkansas*, 435 U. S. 475, 482, 489, 490 (1978) (emphasis deleted). Courts therefore bear a responsibility to investigate if they “kno[w] or reasonably should know that a particular conflict exists.” *Cuyler v. Sullivan*, 446 U. S. 335, 347

² Dale was convicted as well. See Tr. 1147–1148.

(1980); accord, *Holloway*, 435 U.S., at 483 (explaining that a trial court has an “affirmative duty . . . to assure that criminal defendants are not deprived of their right to the effective assistance of counsel by joint representation of conflicting interests”). When a trial court is made aware of an actual conflict before trial and fails to inquire into the nature and scope of the conflict, reversal of a defendant’s conviction is automatic. See *Mickens v. Taylor*, 535 U.S. 162, 167–168 (2002); *Holloway*, 435 U.S., at 488–490.

In this case, the trial court properly discharged its obligation at the outset of proceedings, but failed to fulfill its renewed obligation after an actual conflict arose. At the outset, the trial court was made aware of a “possible” or “potential” conflict—that is, one that had not fully materialized because the codefendants’ interests could diverge but had not yet done so. See *Wheat v. United States*, 486 U.S. 153, 163 (1988) (noting that a “potential” conflict “may or may not burgeon into an actual conflict as the trial progresses”); *Sullivan*, 446 U.S., at 348 (“[A] possible conflict inheres in almost every instance of multiple representation . . .”). The trial court appropriately responded by inquiring into the codefendants’ consent to the joint representation, expressing well-founded concern that they were in “dangerous territory,” and approving the joint representation based on the codefendants’ waivers and counsel’s representation that any conflict remained hypothetical. App. to Brief in Opposition A–12.

Once notified that the codefendants’ interests had parted ways, however, the trial court was obligated to inquire further. That divergence of interests sharpened the potential conflict into an “actual” conflict—that is, one in which “the defendants’ interests . . . diverge with respect to a material factual or legal issue or to a course of action.” *Sullivan*, 446 U.S., at 356, n. 3 (Marshall, J., concurring in part and dissenting in part). Such a conflict actually “affect[s] counsel’s performance,” unlike the “mere theoretical division of loyalties” presented by a possible conflict. *Mickens*, 535 U.S., at 171 (emphasis deleted).

Here, the prosecutor unequivocally identified an actual conflict, different in kind from the potential conflict the trial court had previously considered, by explaining that Holcombe’s codefendants’ decisions to testify against him created an unwaivable conflict. Her concerns were well founded. The codefendants’ pleas put defense counsel in an impossible dilemma: If the attorney successfully undermined the codefendants’ testimony, he would

aid Holcombe's defense, but potentially jeopardize the codefendants' ability to obtain lenient sentences. Holding back against the codefendants, on the other hand, would improve their chances at sentencing, but allow the State's key witnesses to provide damning evidence against Holcombe. Once notified of this conflict, the trial court had an obligation to inquire further into its nature and extent. At minimum, given that the potential conflict had matured into an actual conflict, the court should have taken the precaution of advising the defendants to confer again with unconflicted counsel regarding the propriety of the representation and should have directly explained the serious dangers of continuing with an actually conflicted attorney. Because it did not, reversal of Holcombe's conviction on appeal should have been automatic. See *Sullivan*, 446 U. S., at 350; see also *Holloway*, 435 U. S., at 488.

The Florida Court of Appeal erred by concluding that Holcombe bore the additional burden of proving an adverse effect on his representation. The court relied on *Mickens*, but that case declined to apply *Holloway*'s "automatic reversal rule," *Mickens*, 535 U. S., at 168, for two reasons not present here. First, the Court in *Mickens* distinguished *Holloway* on the ground that defense counsel failed to object to "his inability simultaneously to represent multiple defendants" before the trial court. *Mickens*, 535 U. S., at 173. Second, *Mickens* concerned only a potential conflict of interest resulting from successive representations, rather than the type of joint (concurrent) representation addressed in *Holloway* or the actual conflict identified here. See *Mickens*, 535 U. S., at 175 (distinguishing "the high probability of prejudice arising from multiple concurrent representation" from other attorney conflicts, including "prior representation").

Unlike *Mickens*, this case concerns an actual conflict created by a simultaneous joint representation that was timely brought to the trial court's attention. That it happened to be the prosecutor who first raised the conflict does not affect whether *Holloway*'s automatic reversal rule applies. This Court's precedents hold that the duty to inquire is a duty of the trial court—not of any particular party. *Sullivan*, 446 U. S., at 347; *Mickens*, 535 U. S., at 168–169; *Holloway*, 435 U. S., at 483. Consistent with this principle, the key question is whether the trial court was alerted to the conflict, not by whom. See, e. g., *Wood v. Georgia*,

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450 U. S. 261, 272–273 (1981) (“Any doubt as to whether the court should have been aware of the [conflict] is dispelled by the fact that the State raised the conflict . . . explicitly and requested that the court look into it”); see also *Mickens*, 535 U. S., at 168 (where “[n]either counsel nor anyone else objected to the multiple representation,” *Holloway*’s rule did not apply); *Sullivan*, 446 U. S., at 347 (where “[n]o participant in [the defendant’s] trial ever objected to the multiple representation,” the Sixth Amendment did not obligate the trial court to inquire). A contrary rule would offer less protection to those defendants whose counsel is so severely conflicted that even the prosecution is compelled to voice its concern.

Decades ago, this Court explained that “[t]he mere physical presence of an attorney does not fulfill the Sixth Amendment guarantee when the advocate’s conflicting obligations have effectively sealed his lips on crucial matters.” *Holloway*, 435 U. S., at 490. The proceedings below failed to protect that core constitutional guarantee. For these reasons, I would summarily reverse the judgment of the Florida Court of Appeal.

No. 21–145. GORDON COLLEGE ET AL. v. DEWEESE-BOYD. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 487 Mass. 31, 163 N. E. 3d 1000.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS, JUSTICE KAVANAUGH, and JUSTICE BARRETT join, respecting the denial of certiorari.

The Religion Clauses of the First Amendment sometimes forbid “courts to intervene in employment disputes involving teachers at religious schools who are entrusted with the responsibility of instructing their students in the faith.” *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U. S. 732, 736–737 (2020); see also *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U. S. 171 (2012). The Supreme Judicial Court of Massachusetts held that this “ministerial exception” did not apply to a professor at a religious college who “did not teach religion or religious texts,” but who was still expected to “integrate her Christian faith into her teaching and scholarship.” 487 Mass. 31, 33, 163 N. E. 3d 1000, 1002 (2021). Although the state court’s understanding of religious education is troubling, I concur in the denial of the petition for a writ of certiorari because the prelimi-

nary posture of the litigation would complicate our review. But in an appropriate future case, this Court may be required to resolve this important question of religious liberty.

I

Petitioner Gordon College is a Christian college in Wenham, Massachusetts. The college's bylaws state that it "strives to graduate men and women distinguished by intellectual maturity and Christian character." App. to Pet. for Cert. 133a (emphasis deleted). As "a Christian community of the liberal arts and sciences," the college "is dedicated to:

- The historic, evangelical, biblical faith;
- Education, not indoctrination;
- Scholarship that is integrally Christian;
- People and programs that reflect the rich mosaic of the Body of Christ;
- Life guided by the teaching of Christ and the empowerment of the Holy Spirit;
- The maturation of students in all dimensions of life: body, mind and spirit;
- The application of biblical principles to transform society and culture." *Ibid.* (emphasis deleted).

The college requires all of its faculty to sign a "Christian Statement of Faith," which affirms that the "66 canonical books of the Bible as originally written were inspired of God" and that there "is one God, the Creator and Preserver of all things, infinite in being and perfection." *Id.*, at 114a (internal quotation marks omitted). The faculty handbook explains that the college's professors are expected "to engage students in their respective disciplines from the perspectives of Christian faith" and "to participate actively in the spiritual formation of its students into godly, biblically-faithful ambassadors for Christ." *Id.*, at 118a. The handbook also states that the most important task of the "Christian educator" is the "integration" of faith and learning. *Id.*, at 119a.

Respondent Margaret DeWeese-Boyd was hired as a faculty member in Gordon College's department of social work in 1998. DeWeese-Boyd's application for employment at Gordon College acknowledged "personal agreement with Gordon's Statement of

Faith, stated her Christian beliefs, described her pilgrimage as a Christian, [and] explained how her Christian commitment affected her scholarship.” *Id.*, at 122a. Her application also mentioned her Christian missionary work in the Philippines and indicated that she had earned an advanced degree in theology. *Id.*, at 124a. In 2009, when DeWeese-Boyd applied for tenure, she submitted a paper titled “Reflections on Christian Scholarship” that discussed her “integration of the Christian faith into her work.” *Id.*, at 126a (internal quotation marks omitted).

In 2016, DeWeese-Boyd applied for promotion to full professor, and that application explained that she thought the “work of integration” required “pursuing scholarship that is faithful to the mandates of Scripture, the vocational call of Christ, and the dictates of conscience.” Joint Exhs. App. for Summary Judgment in No. 1777cv01367, p. 195 (Super. Ct. Essex Cty., Mass., Sept. 17, 2010). Student evaluations, also included in the 2016 application, stated that she “did a great job of connecting class materials with Christian faith” and “calling our thoughts to a higher level of Christian responsibility.” App. to Pet. for Cert. 128a, 130a–131a (internal quotation marks omitted).

Gordon College denied her 2016 application for a promotion, citing lack of scholarly productivity, among other things. She sued in the Superior Court of Massachusetts, alleging that the college and its agents had actually denied her a promotion because of “her vocal opposition to [the college’s] policies and practices regarding individuals who identify as lesbian, gay, bisexual, transgender, or queer.” 487 Mass., at 34, 163 N. E. 3d, at 1003. The parties cross-moved for summary judgment on the question whether the ministerial exception barred DeWeese-Boyd’s claims. The trial court ruled in favor of DeWeese-Boyd, and the Supreme Judicial Court of Massachusetts granted an application for direct appellate review of the summary-judgment ruling.

The Supreme Judicial Court affirmed. It concluded that DeWeese-Boyd was not a “minister” under this Court’s decisions in *Our Lady of Guadalupe School*, 591 U. S. 732, and *Hosanna-Tabor Evangelical Lutheran Church and School*, 565 U. S. 171. The court reasoned that DeWeese-Boyd did not “undergo formal religious training, pray with her students, participate in or lead religious services, take her students to chapel services, or teach a religious curriculum.” 487 Mass., at 53, 163 N. E. 3d, at 1017. Though the court recognized that she was required to “integrate

the Christian faith into her teaching, scholarship, and advising,” the court reasoned that this integrated teaching was “different in kind” from religious instruction. *Ibid.*

The college filed a petition for certiorari, essentially asking us to decide whether the ministerial exception bars the present lawsuit.

II

In *Our Lady of Guadalupe School*, we explained that the “ministerial exception” protects the “autonomy” of “churches and other religious institutions” in the selection of the employees who “play certain key roles.” 591 U. S., at 746. We recognized that “educating young people in their faith, inculcating its teachings, and training them to live their faith are responsibilities that lie at the very core of the mission of a private religious school.” *Id.*, at 753–754. Because the teachers in that case had been, among other things, “entrusted most directly with the responsibility of educating their students in the faith,” we concluded that the ministerial exception applied to such educators. *Id.*, at 757.

The Massachusetts Supreme Judicial Court thought that DeWeese-Boyd was not a religious educator because she did not “teach religion, the Bible, or religious doctrine.” 487 Mass., at 49, 163 N. E. 3d, at 1014. Though it acknowledged her responsibility “to integrate the Christian faith into her teaching, scholarship, and advising,” the state court asserted that this responsibility was “different in kind” from the kind of religious education at issue in *Our Lady of Guadalupe School* and insufficient to make DeWeese-Boyd a minister. 487 Mass., at 53, 163 N. E., at 1017.

That conclusion reflects a troubling and narrow view of religious education. What many faiths conceive of as “religious education” includes much more than instruction in explicitly religious doctrine or theology. As one *amicus* supporting the college explains, many religious schools ask their teachers to “show students how to view the world through a faith-based lens,” even when teaching nominally secular subjects. See Brief for Jewish Coalition for Religious Liberty et al. as *Amici Curiae* 6. For example, a professor teaching a course on the civil rights movement at a secular college might concentrate on the political, economic, and sociological aspects of the struggle for racial justice, while a professor at a Christian college might also highlight Dr. Martin Luther King Jr.’s faith and the biblical arguments in his famous Letter from Birmingham Jail. Similarly, an English pro-

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fessor at a secular college might see nihilism and skepticism in Shakespeare's *King Lear*, while a professor at a Catholic school might present it as a pilgrimage to redemption. See Brief for Association of Christian Schools International as *Amicus Curiae* 6–8 (listing other examples).

Faith-infused instruction of this kind might complement student instruction in explicitly religious subjects. For example, Gordon College requires all of its students to take required courses on the Old Testament, the New Testament, and Christian Theology; they must also earn “Christian Life and Worship” credits for attending chapel services (or other similar faith-based events). But religious education at Gordon College does not end as soon as a student passes those required courses and leaves the chapel. Instead, the college asks *each* member of the faculty to “integrate” faith and learning, *i. e.*, “to help students make connections between course content, Christian thought and principles, and personal faith and practice.” App. to Pet. for Cert. 119a.

For those reasons, I have doubts about the state court's understanding of religious education and, accordingly, its application of the ministerial exception. But DeWeese-Boyd argues that because the Supreme Judicial Court of Massachusetts affirmed the trial court's summary-judgment ruling in an interlocutory posture, its ruling is not a “final judgment” under 28 U. S. C. § 1257. Gordon College responds that the decision is a reviewable final judgment under *Cox Broadcasting Corp. v. Cohn*, 420 U. S. 469 (1975), but at the very least this threshold jurisdictional issue would complicate our review. The brief in opposition notes, however, that “[i]f DeWeese-Boyd prevails in the trial court, there is nothing that would preclude Gordon [College] from appealing at that time, including seeking review in this Court when the decision is actually final.” Brief in Opposition 16. On that understanding, I concur in the denial of certiorari.

No. 21–773. OKLAHOMA *v.* MCCURTAIN. Ct. Crim. App. Okla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 21–798. OKLAHOMA *v.* VINEYARD. Ct. Crim. App. Okla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 21–6979. JOHNSTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition.

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Rehearing Denied

No. 21–315. *BOUAZIZI v. HILLSBOROUGH COUNTY CIVIL SERVICE BOARD ET AL.*, 595 U. S. 1131;

No. 21–416. *ANDERSON v. UNITED STATES*, 595 U. S. 1001;

No. 21–611. *HAMILTON v. UNITED STATES ET AL.*, 595 U. S. 1134;

No. 21–655. *BUTLER v. PORTER ET AL.*, 595 U. S. 1135;

No. 21–5961. *HORSLEY v. OHIO*, 595 U. S. 1141; and

No. 21–6066. *WOODS v. ALINA’S REAL ESTATE, LLC*; and *WOODS v. COLLINS, TRUSTEE*, 595 U. S. 1143. Petitions for rehearing denied.

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Miscellaneous Orders

No. 21A398. *KEIL ET AL. v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Application for injunction, addressed to JUSTICE GORSUCH and referred to the Court, denied.

No. 21A455. *MOORE, SPEAKER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, ET AL. v. HARPER ET AL.* Sup. Ct. N. C. Application for stay pending the filing and disposition of a petition for writ of certiorari, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

JUSTICE KAVANAUGH, concurring.

I agree with JUSTICE ALITO that the underlying Elections Clause question raised in the emergency application is important, and that both sides have advanced serious arguments on the merits. The issue is almost certain to keep arising until the Court definitively resolves it. Therefore, if the Court receives petitions for certiorari raising the issue, I believe that the Court should grant certiorari in an appropriate case—either in this case from North Carolina or in a similar case from another State. If the Court does so, the Court can carefully consider and decide the issue next Term after full briefing and oral argument.

In their emergency application, however, the applicants are asking this Court for extraordinary interim relief—namely, an order from this Court requiring North Carolina to change its existing congressional election districts for the upcoming 2022 primary and general elections. But this Court has repeatedly ruled that

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ALITO, J., dissenting

federal courts ordinarily should not alter state election laws in the period close to an election. See, e. g., *Republican National Committee v. Democratic National Committee*, 589 U. S. 423, 424–425 (2020) (*per curiam*); *Purcell v. Gonzalez*, 549 U. S. 1 (2006) (*per curiam*). In light of the *Purcell* principle and the particular circumstances and timing of the impending primary elections in North Carolina, it is too late for the federal courts to order that the district lines be changed for the 2022 primary and general elections, just as it was too late for the federal courts to do so in the Alabama redistricting case last month. See *Merrill v. Milligan*, 595 U. S. 1197 (2022) (KAVANAUGH, J., concurring in grant of application for stay).

For that reason, I concur in the Court’s denial of the emergency application for stay.

JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GORSUCH join, dissenting.

I would grant the application for a stay.

This case presents an exceptionally important and recurring question of constitutional law, namely, the extent of a state court’s authority to reject rules adopted by a state legislature for use in conducting federal elections. There can be no doubt that this question is of great national importance. But we have not yet found an opportune occasion to address the issue. See, e. g., *Democratic National Committee v. Wisconsin State Legislature*, 592 U. S. 1039 (2020); *Scarnati v. Boockvar*, 592 U. S. 1022 (2020); *Moore v. Circosta*, 592 U. S. 1065 (2020); *Wise v. Circosta*, 592 U. S. 1065 (2020); *Bush v. Gore*, 531 U. S. 98, 112 (2000) (Rehnquist, C. J., concurring); see also *Republican Party of Pennsylvania v. Degraffenreid*, 592 U. S. 1287, 1288 (2021) (THOMAS, J., dissenting from denial of certiorari); *id.*, at 1295 (ALITO, J., dissenting from denial of certiorari); *Wisconsin State Legislature*, 592 U. S., at 1040 (GORSUCH, J., concurring in denial of application to vacate stay). We will have to resolve this question sooner or later, and the sooner we do so, the better. This case presented a good opportunity to consider the issue, but unfortunately the Court has again found the occasion inopportune.

In my view, the applicants have shown that the question presented by this case easily satisfies our usual criteria for certiorari, see this Court’s Rule 10, and it is also likely that they would prevail on the merits if review were granted. The Elections Clause provides that rules governing the “Times, Places and Manner of holding Elections for Senators and Representatives”

must be “prescribed in each State *by the Legislature thereof*.” Art. I, § 4, cl. 1 (emphasis added). This Clause could have said that these rules are to be prescribed “by each State,” which would have left it up to each State to decide which branch, component, or officer of the state government should exercise that power, as States are generally free to allocate state power as they choose. But that is not what the Elections Clause says. Its language specifies a particular organ of a state government, and we must take that language seriously.

In this case, after North Carolina gained a seat in the House of Representatives, the North Carolina General Assembly twice adopted new congressional districting maps. See 2021 N. C. Sess. Law 174; 2022 N. C. Sess. Law 3. But on both occasions, the State Supreme Court rejected those maps and ultimately ordered that the 2022 election proceed on the basis of a map of the court’s own creation. See App. to Application for Stay 2a, 13a–14a, 266a (App.). The court justified its actions on the ground that the General Assembly’s maps constituted partisan gerrymanders and thus violated a congeries of state constitutional provisions.¹ But none of those provisions says anything about partisan gerrymandering, and all but one make no reference to elections at all.

The most relevant provision states simply that “[a]ll elections shall be free.” N. C. Const., Art. I, § 10. This guarantee of “free elections” dates all the way back to the North Carolina Constitution of 1776, see Art. VI, but for 246 years that language was not found to prohibit partisan gerrymandering. In 2015, the State Supreme Court held that “a partisan gerrymandering challenge”

¹See App. 12a (citing N. C. Const., Art. I, § 19 (“No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin”)); § 14 (“Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse”); § 12 (“The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated”); and § 10 (“All elections shall be free”).

failed because it was “not based upon a justiciable standard.”² Only this year did the State Supreme Court change course and discern in the State Constitution a judicially enforceable prohibition of partisan gerrymandering. Explaining the reasons for this new interpretation, the court noted that the State Constitution is difficult to amend and that North Carolina is “a state without a citizen referendum process.” App. 35a. The court concluded that “*the only way* that partisan gerrymandering can be addressed is through the courts.” *Ibid.* (emphasis added). These explanations have the hallmarks of legislation.

The applicants, who are members of the North Carolina Legislature, contend that the State Supreme Court took it upon itself to decide the “Manner” in which the State’s congressional elections will be held and that the court therefore usurped the power that the Elections Clause confines to the “Legislature.” The other side answers that state election laws must be interpreted and applied by the state courts, that this is what the State Supreme Court did in this case when it interpreted and applied the State Constitution, and that this Court has no authority to overrule a state supreme court’s interpretation of state law.

Both sides advance serious arguments, but based on the briefing we have received, my judgment is that the applicants’ argument is stronger. The question presented is one of federal not state law because the state legislature, in promulgating rules for congressional elections, acts pursuant to a constitutional mandate under the Elections Clause. Cf. *Bush*, 531 U.S., at 113 (Rehnquist, C. J., concurring) (compliance with the Electors Clause “presents a federal constitutional question”). And if the language of the Elections Clause is taken seriously, there must be *some* limit on the authority of state courts to countermand actions taken by state legislatures when they are prescribing rules for the conduct of federal elections. I think it is likely that the applicants would succeed in showing that the North Carolina Supreme Court exceeded those limits.

The applicants will be irreparably harmed if a stay is not granted because they will be deprived of their constitutional prerogative to draw the congressional map in their State, and the

²See App. 113a (quoting *Dickson v. Rucho*, 368 N. C. 481, 534, 781 S. E. 2d 404, 440 (2015), vacated on other grounds, 581 U. S. 1004 (2017)).

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public interest will be disserved if the 2022 congressional elections in North Carolina are held using districts that we eventually determine were unconstitutionally imposed.

This matter came to us only seven days before the deadline for candidates to file on March 4, but promptly granting a stay would have been only minimally disruptive in the circumstances here. The General Assembly's remedial map provides that the first map enacted by the Assembly would become effective by operation of law if we "stay[ed]" the orders of the North Carolina Supreme Court. What candidates were required to do by March 4 was to file a short form, and the only change that they would have been required to make had we granted the application was to ensure that the form they submitted specified the district in which they were running under the first plan adopted by the legislature. That would not have been greatly disruptive.

I therefore respectfully dissent from the denial of the stay, but further review of the judgment below may be warranted once a petition for a writ of certiorari is filed.

No. 21A457. *TOTH ET AL. v. CHAPMAN, ACTING SECRETARY OF PENNSYLVANIA, ET AL.* D. C. M. D. Pa. Application for writ of injunction, presented to JUSTICE ALITO, and by him referred to the Court in No. 21A457, denied. This case has now been referred to a three-judge court, and the parties may exercise their right to appeal from an order of that court granting or denying interlocutory injunctive relief.

No. 21M84. *THOMAS v. MARTIN-GIBBONS ET AL.*; and

No. 21M87. *DONZINGER v. ATTORNEY GRIEVANCE COMMITTEE FOR THE FIRST JUDICIAL DEPARTMENT.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 21M85. *POLITE v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY.* Motion for leave to proceed as a veteran denied.

No. 21M86. *GATSBY v. GATSBY*; and

No. 21M88. *COLLIER v. UNIVERSITY OF CALIFORNIA, BERKELEY.* Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 21M89. *BROADEN v. DEPARTMENT OF TRANSPORTATION.* Motion for leave to proceed as a veteran granted.

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No. 20–1034. *GOLAN v. SAADA*. C. A. 2d Cir. [Certiorari granted, 595 U. S. 1106.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted in part, and the time is allotted as follows: 20 minutes for petitioner, 15 minutes for the Solicitor General, and 35 minutes for respondent.

No. 21–248. *BERGER ET AL. v. NORTH CAROLINA STATE CONFERENCE OF THE NAACP ET AL.* C. A. 4th Cir. [Certiorari granted, 595 U. S. 1086.] Motion of respondents for divided argument granted.

No. 21–599. *KINNEY v. HSBC BANK USA, N. A.* C. A. 10th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 21–6906. *JACKSON v. AT&T RETIREMENT SAVINGS PLAN ET AL.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until March 28, 2022, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 21–6780. *IN RE SKLAR*. Petition for writ of mandamus denied.

Certiorari Denied

No. 20–7805. *KNIGHT v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 663 Pa. 235, 241 A. 3d 620.

No. 21–494. *LEWIS v. POWER RESEARCH, INC., ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 137 Nev. 934, 478 P. 3d 872.

No. 21–594. *ALPHABET INC. ET AL. v. RHODE ISLAND, OFFICE OF THE RHODE ISLAND TREASURER ON BEHALF OF THE EMPLOYEES’ RETIREMENT SYSTEM OF RHODE ISLAND*. C. A. 9th Cir. Certiorari denied. Reported below: 1 F. 4th 687.

No. 21–629. *SANTA FE ALLIANCE FOR PUBLIC HEALTH AND SAFETY ET AL. v. CITY OF SANTA FE, NEW MEXICO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 993 F. 3d 802.

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No. 21–632. *VAZQUEZ-GUERRA ET AL. v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 4th 265.

No. 21–651. *LUMAJ v. GARLAND, ATTORNEY GENERAL*. C. A. 2d Cir. Certiorari denied. Reported below: 856 Fed. Appx. 339.

No. 21–761. *OPTUMHEALTH CARE SOLUTIONS, LLC v. PETERS*. C. A. 4th Cir. Certiorari denied. Reported below: 2 F. 4th 199.

No. 21–787. *RUSSOMANNO v. DUGAN ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–792. *BILLIONI v. BRYANT, SHERIFF, YORK COUNTY, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 998 F. 3d 572.

No. 21–793. *PENNSYLVANIA v. COSBY*. Sup. Ct. Pa. Certiorari denied. Reported below: 666 Pa. 416, 252 A. 3d 1092.

No. 21–816. *GEAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 4th 1040.

No. 21–828. *ESTATE OF FONTANA ET AL. v. ACFB ADMINISTRACAO JUDICIAL LTDA–ME*. C. A. 11th Cir. Certiorari denied. Reported below: 860 Fed. Appx. 163.

No. 21–955. *RISMILLER, TUTRIX FOR GOINS, ET AL. v. GEMINI INSURANCE CO. ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 2020–00313 (La. 6/30/21), 330 So. 3d 145.

No. 21–958. *A. A. v. M. A.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 21–961. *OKLAHOMA v. OLIVE*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–963. *MCNAUGHTON v. ADAMS, MAYOR OF THE CITY OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 857 Fed. Appx. 690.

No. 21–987. *SALIS v. MAYORKAS, SECRETARY OF HOMELAND SECURITY*. C. A. 2d Cir. Certiorari denied.

No. 21–990. *BOSS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CRANE v. UNITED STATES ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 15 F. 4th 515.

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No. 21–992. *YATES ET AL. v. HILLSBORO UNIFIED SCHOOL DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1032. *BERRY v. FEDERAL BUREAU OF INVESTIGATION ET AL.* C. A. 1st Cir. Certiorari denied.

No. 21–1054. *SONG v. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 21–1070. *GONZALEZ v. RONEY ET AL.* Ct. App. Ariz. Certiorari denied.

No. 21–1088. *LUIS ALVAREZ v. PINON.* Ct. App. Wash. Certiorari denied. Reported below: 17 Wash. App. 2d 939, 489 P. 3d 259.

No. 21–1106. *GABARA v. FACEBOOK, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 852 Fed. Appx. 541.

No. 21–1107. *FTS USA, LLC, ET AL. v. MONROE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 17 F. 4th 664.

No. 21–1120. *THOMPSON ET AL. v. DEWINE, GOVERNOR OF OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 4th 521.

No. 21–5649. *SHELBY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 853 Fed. Appx. 131.

No. 21–5875. *JACKSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 995 F. 3d 522.

No. 21–6171. *GRANDA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 990 F. 3d 1272.

No. 21–6196. *I. A. v. KANSAS.* Sup. Ct. Kan. Certiorari denied. Reported below: 313 Kan. 803, 491 P. 3d 1241.

No. 21–6382. *RAHEEM v. FORD, WARDEN.* C. A. 11th Cir. Certiorari denied. Reported below: 995 F. 3d 895.

No. 21–6431. *SMITH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 839 Fed. Appx. 819.

No. 21–6484. *BATTLE v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 11 Cal. 5th 749, 489 P. 3d 329.

No. 21–6486. *GREEN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 860 Fed. Appx. 930.

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No. 21–6492. *GALVEZ v. MUNIZ*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 845 Fed. Appx. 542.

No. 21–6636. *FEARS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 666 Pa. 140, 250 A. 3d 1180.

No. 21–6752. *MCPHERSON v. KEYSER*, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 21–6763. *JOHNSON v. LAMBKINS ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6766. *DEATLEY v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 21–6774. *HARRIS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–6779. *HITE v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 21–6783. *WARFIELD v. DEPARTMENT OF THE AIR FORCE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 831.

No. 21–6794. *WINNINGHAM v. CITY OF BROKEN ARROW, OKLAHOMA*. C. A. 10th Cir. Certiorari denied.

No. 21–6796. *WEBSTER v. KIJAKAZI*, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 5th Cir. Certiorari denied.

No. 21–6798. *EVERETT v. JUSTICES OF THE SUPREME COURT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6811. *CUMMINGS v. LIGHTSTORM ENTERTAINMENT, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6827. *PICK v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 21–6832. *TRUE v. PAYNE*, DIRECTOR, ARKANSAS DIVISION OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2021 Ark. 154, 628 S. W. 3d 641.

No. 21–6851. *QUILES v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 488 Mass. 298, 173 N. E. 3d 1.

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No. 21–6866. *LAWLESS v. MULDER ET AL.* Super. Ct. D. C. Certiorari denied.

No. 21–6883. *BOOKER v. ENGELKE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 830 Fed. Appx. 415.

No. 21–6913. *LITTLEJOHN v. BOWMAN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–6947. *CHRISTMAS v. JACKSON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–6959. *COX v. CALEY, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 274.

No. 21–6974. *GONZALEZ v. QUIROS, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION.* App. Ct. Conn. Certiorari denied. Reported below: 205 Conn. App. 511, 258 A. 3d 97.

No. 21–6976. *KARKI v. DEPARTMENT OF HOMELAND SECURITY ET AL.* Super. Ct. D. C. Certiorari denied.

No. 21–6990. *ROBERTS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 21–6996. *STIVERS v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2021 IL App (5th) 180338–U.

No. 21–6998. *PAPE v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 21–7000. *ADAMS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 21–7002. *WREN v. NDOH, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 851 Fed. Appx. 108.

No. 21–7021. *GAYDEN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 21–7031. *DAVIS v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 21–7037. *BREEST v. NEW HAMPSHIRE.* Sup. Ct. N. H. Certiorari denied.

No. 21–7042. *NELSEN v. SOUTHERN POVERTY LAW CENTER.* C. A. 8th Cir. Certiorari denied.

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No. 21–7054. *WALKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7057. *NAVA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7062. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7063. *SHAHEED v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21–7065. *MAJORS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7066. *BREWER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 853 Fed. Appx. 46.

No. 21–7069. *CLARKE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7070. *DUKE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 770.

No. 21–7071. *WILSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21–7072. *WISE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 858 Fed. Appx. 460.

No. 21–7074. *DENNIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 852 Fed. Appx. 159.

No. 21–7078. *FORTIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 13 F. 4th 386.

No. 21–7080. *GIBSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 211.

No. 21–7081. *STASIV v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7089. *JORDAN v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 166 Ohio St. 3d 339, 2021-Ohio-3922, 185 N. E. 3d 1051.

No. 21–7090. *O’NEAL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 17 F. 4th 236.

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No. 21–7092. MALAUULU *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 21–7101. JAMES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 3 F. 4th 1102.

No. 21–201. ABDELNABI *v.* SEKIK; and

No. 21–971. ABDULNABI *v.* SEKIK. Ct. App. Tenn. Motions of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 21–459. DOE *v.* FACEBOOK, INC. Sup. Ct. Tex. Certiorari denied. Reported below: 625 S. W. 3d 80.

Statement of JUSTICE THOMAS respecting the denial of certiorari.

In 2012, an adult, male sexual predator used Facebook to lure 15-year-old Jane Doe to a meeting, shortly after which she was repeatedly raped, beaten, and trafficked for sex. Doe eventually escaped and sued Facebook in Texas state court, alleging that Facebook had violated Texas’ anti-sex-trafficking statute and committed various common-law offenses. Facebook petitioned the Texas Supreme Court for a writ of mandamus dismissing Doe’s suit. The court held that a provision of the Communications Decency Act known as § 230 bars Doe’s common-law claims, but not her statutory sex-trafficking claim.

Section 230(c)(1) states that “[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” 47 U.S.C. § 230(c)(1). The Texas Supreme Court emphasized that courts have uniformly treated internet platforms as “publisher[s]” under § 230(c)(1), and thus immune, whenever a plaintiff’s claim “‘stem[s] from [the platform’s] publication of information created by third parties.’” *In re Facebook, Inc.*, 625 S. W. 3d 80, 90 (Tex. 2021) (quoting *Doe v. MySpace, Inc.*, 528 F. 3d 413, 418 (CA5 2008)). As relevant here, this expansive understanding of publisher immunity requires dismissal of claims against internet companies for failing to warn consumers of product defects or failing to take reasonable steps “to protect their users from the malicious or objectionable activity of other users.” 625 S. W. 3d, at 83. The Texas Supreme Court acknowledged that it is “plausible” to read § 230(c)(1) more narrowly to immunize internet platforms when plaintiffs seek to hold them “strictly liable” for transmitting third-party content, *id.*, at 90–91, but the

court ultimately felt compelled to adopt the consensus approach, *id.*, at 91.

This decision exemplifies how courts have interpreted § 230 “to confer sweeping immunity on some of the largest companies in the world,” *Malwarebytes, Inc. v. Enigma Software Group USA, LLC*, 592 U.S. 1013 (2020) (statement of THOMAS, J., respecting denial of certiorari), particularly by employing a “capacious conception of what it means to treat a website operator as [a] publisher or speaker,” *id.*, at 1019 (internal quotation marks omitted). Here, the Texas Supreme Court afforded publisher immunity even though Facebook allegedly “knows its system facilitates human traffickers in identifying and cultivating victims,” but has nonetheless “failed to take any reasonable steps to mitigate the use of Facebook by human traffickers” because doing so would cost the company users—and the advertising revenue those users generate. Fourth Amended Pet. in No. 2018–69816 (Dist. Ct., Harris Cty., Tex., Feb. 10, 2020), pp. 20, 22, 23; see also Reply Brief 3, n. 1, 4, n. 2 (listing recent disclosures and investigations supporting these allegations). It is hard to see why the protection § 230(c)(1) grants publishers against being held strictly liable for third parties’ content should protect Facebook from liability for its *own* “acts and omissions.” Fourth Amended Pet., at 21.

At the very least, before we close the door on such serious charges, “we should be certain that is what the law demands.” *Malwarebytes*, 592 U.S., at 1020. As I have explained, the arguments in favor of broad immunity under § 230 rest largely on “policy and purpose,” not on the statute’s plain text. *Id.*, at 1015. Here, the Texas Supreme Court recognized that “[t]he United States Supreme Court—or better yet, Congress—may soon resolve the burgeoning debate about whether the federal courts have thus far correctly interpreted section 230.” 625 S. W. 3d, at 84. Assuming Congress does not step in to clarify § 230’s scope, we should do so in an appropriate case.

Unfortunately, this is not such a case. We have jurisdiction to review only “[f]inal judgments or decrees” of state courts. 28 U. S. C. § 1257(a). And finality typically requires “an effective determination of the litigation and not of merely interlocutory or intermediate steps therein.” *Market Street R. Co. v. Railroad Comm’n of Cal.*, 324 U.S. 548, 551 (1945). Because the Texas Supreme Court allowed Doe’s statutory claim to proceed, the litigation is not “final.” Conceding as much, Doe relies on a narrow

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exception to the finality rule involving cases where “the federal issue, finally decided by the highest court in the State, will survive and require decision regardless of the outcome of future state-court proceedings.” *Cox Broadcasting Corp. v. Cohn*, 420 U. S. 469, 480 (1975). But that exception cannot apply here because the Texas courts have not yet conclusively adjudicated a personal-jurisdiction defense that, if successful, would “effectively moot the federal-law question raised here.” *Jefferson v. City of Tarrant*, 522 U. S. 75, 82 (1997).

I, therefore, concur in the Court’s denial of certiorari. We should, however, address the proper scope of immunity under § 230 in an appropriate case.

No. 21–6777. *GARRARD ET AL. v. NEWSOM, GOVERNOR OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 21–6868. *WEBB v. FAUCI ET AL.* C. A. 4th Cir. Certiorari before judgment denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 21–7099. *DISLA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 20–8015. *BROWN v. PENNSYLVANIA*, 595 U. S. 932;

No. 21–621. *FLAHERTY ET AL. v. HOLLY HILL INVESTMENTS, LLC*, 595 U. S. 1134;

No. 21–635. *FIELDS v. CINCINNATI, OHIO POLICE DEPARTMENT, ET AL.*, 595 U. S. 1134;

No. 21–5919. *MOSES v. TEXAS*, 595 U. S. 1097;

No. 21–6072. *SAKUMA v. ASSOCIATION OF APARTMENT OWNERS OF THE TROPICS OF WAIKELE ET AL.*, 595 U. S. 1143;

No. 21–6153. *WIJE v. BURNS ET AL.*, 595 U. S. 1144;

No. 21–6306. *SHORTES v. GOOGLE LLC*, 595 U. S. 1167;

No. 21–6308. *SANDERS v. CHRISTWOOD*, 595 U. S. 1148;

No. 21–6416. *DAVIC v. OHIO*, 595 U. S. 1152; and

No. 21–6624. *JONES v. UNITED STATES*, 595 U. S. 1189. Petitions for rehearing denied.

No. 21–6315. *WEIDRICK v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.*, 595 U. S. 1171. Petition for rehearing denied.

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THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

MARCH 11, 2022

Dismissal Under Rule 46

No. 21–6396. JEUNE *v.* UNITED STATES. C. A. 11th Cir. Certiorari dismissed under this Court’s Rule 46.

MARCH 16, 2022

Dismissal Under Rule 46

No. 21–1128. TURNURE *v.* REDRICK. C. A. 6th Cir. Certiorari dismissed under this Court’s Rule 46.

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Miscellaneous Orders

No. 20–603. TORRES *v.* TEXAS DEPARTMENT OF PUBLIC SAFETY. Ct. App. Tex., 13th Dist. [Certiorari granted, 595 U. S. 1126.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted.

No. 20–807. LEDURE *v.* UNION PACIFIC RAILROAD CO. C. A. 7th Cir. [Certiorari granted, 595 U. S. 1126.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted. JUSTICE BARRETT took no part in the consideration or decision of this motion.

MARCH 21, 2022

Certiorari Granted—Vacated and Remanded

No. 21–648. HEDICAN *v.* WALMART STORES EAST, L. P., ET AL. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Cameron v. EMW Women’s Surgical Center, P. S. C.*, 595 U. S. 267 (2022). Reported below: 992 F. 3d 656.

No. 21–6412. STAMPE *v.* UNITED STATES. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the position asserted by the Solicitor

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General in her brief for the United States filed on February 25, 2022. Reported below: 994 F. 3d 767.

Certiorari Dismissed

No. 21–6809. *WEST-EL v. MIDLAND FUNDING LLC*. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 21–7143. *GREGORY v. UNITED STATES*. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

Miscellaneous Orders

No. 21M90. *LEWIS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*;

No. 21M91. *SANDLAIN v. UNITED STATES*; and

No. 21M95. *COTTON v. GRAHAM, SUPERINTENDENT, AUBURN CORRECTION FACILITY*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 21M92. *INGRAM v. UNITED STATES*; and

No. 21M94. *L’HEUREUX v. WEST VIRGINIA*. Motions for leave to file petitions for writs of certiorari with supplemental appendices under seal granted.

No. 21M93. *GILLIARD v. LUMME ET AL.* Motion for leave to proceed as a veteran denied.

No. 21–1086. *MERRILL, ALABAMA SECRETARY OF STATE, ET AL. v. MILLIGAN ET AL.* D. C. N. D. Ala. [Probable jurisdiction noted, 595 U. S. 1197 and 1217]; and

No. 21–1087. *MERRILL, ALABAMA SECRETARY OF STATE, ET AL. v. CASTER ET AL.* C. A. 11th Cir. [Certiorari granted, 595 U. S. 1197 and 1217.] Upon consideration of the motion to modify or amend the question presented, the question presented in these cases is amended as follows: “Whether the State of Alabama’s 2021 redistricting plan for its seven seats in the United States House of Representatives violated §2 of the Voting Rights Act, 52 U. S. C. § 10301.”

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No. 21–6358. *YOUNG v. LAMONT ET AL.* C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1181] denied.

No. 21–6561. *ARANOFF v. ARANOFF.* Ct. App. N. Y. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1214] denied.

No. 21–6829. *DONMEZ v. NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS ET AL.* C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 11, 2022, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 21–7141. *IN RE GULLETT-EL;* and

No. 21–7202. *IN RE KWANING.* Petitions for writs of habeas corpus denied.

No. 21–6801. *IN RE MCMAHON;*

No. 21–6843. *IN RE BREWER;*

No. 21–6845. *IN RE SMITH;* and

No. 21–6862. *IN RE JONES.* Petitions for writs of mandamus denied.

No. 21–6880. *IN RE CALTON.* Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Certiorari Denied

No. 21–417. *SULZER MIXPAC AG v. A&N TRADING CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 988 F. 3d 174.

No. 21–437. *YAO PONE v. BOARD OF COUNTY COMMISSIONERS FOR CALVERT COUNTY.* Ct. App. Md. Certiorari denied. Reported below: 474 Md. 212, 253 A. 3d 632.

No. 21–460. *MYRES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 844 Fed. Appx. 987.

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No. 21–520. *HAWKINS, INDIVIDUALLY AND AS A TRUSTEE OF THE CN HAWKINS TRUST ET AL., ET AL. v. HAALAND, SECRETARY OF THE INTERIOR, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 991 F. 3d 216.

No. 21–618. *JONES v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 316 So. 3d 619.

No. 21–677. *BURNS v. TOWN OF PALM BEACH, FLORIDA.* C. A. 11th Cir. Certiorari denied. Reported below: 999 F. 3d 1317.

No. 21–682. *SHIVERS v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 1 F. 4th 924.

No. 21–688. *MONTILLA ET AL. v. FEDERAL NATIONAL MORTGAGE ASSOCIATION ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 999 F. 3d 751.

No. 21–735. *JIM OLIVE PHOTOGRAPHY, DBA PHOTOLIVE, INC. v. UNIVERSITY OF HOUSTON SYSTEM.* Sup. Ct. Tex. Certiorari denied. Reported below: 624 S. W. 3d 764.

No. 21–843. *SELLARS ET AL. v. CRST EXPEDITED, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 13 F. 4th 681.

No. 21–851. *NARANG v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 21–859. *MONTANA STATE LEGISLATURE ET AL. v. MC-LAUGHLIN.* Sup. Ct. Mont. Certiorari denied. Reported below: 405 Mont. 1, 493 P. 3d 980.

No. 21–866. *REALGY, LLC v. LINDENBAUM ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 13 F. 4th 524.

No. 21–877. *THACKER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 4 F. 4th 569.

No. 21–888. *INTEL CORP. v. VLSI TECHNOLOGY LLC ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 21–967. *NWINEE v. ST. LOUIS DEVELOPMENTAL DISABILITY TREATMENT CENTERS ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 890.

No. 21–969. *COULTER v. PAULISICK ET AL.* Ct. Common Pleas of Butler County, Pa. Certiorari denied.

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No. 21–976. *WILSON v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 323 So. 3d 1252.

No. 21–977. *KOVACEVICH v. FINCH ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 17 Wash. App. 2d 1060.

No. 21–979. *YOUNG v. LUNDSTROM ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 952.

No. 21–980. *JENNINGS v. NASH ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 848 Fed. Appx. 228.

No. 21–981. *TRINH v. FINEMAN*. C. A. 3d Cir. Certiorari denied. Reported below: 9 F. 4th 235.

No. 21–986. *VANDERVEER v. ZONING BOARD OF APPEALS, TOWN OF EAST HAMPTON, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–988. *CRAWFORD v. HENRICO COUNTY PUBLIC SCHOOL BOARD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 834 Fed. Appx. 833.

No. 21–989. *COULTER v. PAUL LAURENCE DUNBAR COMMUNITY CENTER ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–991. *BERBER v. WELLS FARGO BANK, N. A., ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–999. *BLESSETT v. TEXAS OFFICE OF THE ATTORNEY GENERAL, GALVESTON COUNTY CHILD SUPPORT ENFORCEMENT DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–1000. *BRACE v. SPEIER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 298.

No. 21–1002. *LOPEZ v. HSBC BANK USA, N. A., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1004. *CODY ET AL. v. SUPERIOR COURT OF CALIFORNIA, TRINITY COUNTY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 934.

No. 21–1005. *HEAT ON-THE-FLY, LLC, ET AL. v. ENERGY HEATING, LLC, ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 15 F. 4th 1378.

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No. 21–1015. *CAO v. BSI FINANCIAL SERVICES, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 156.

No. 21–1016. *CHROSTOWSKI v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Va. Certiorari denied.

No. 21–1018. *COLTON v. FEHRER AUTOMOTIVE, NORTH AMERICA, LLC.* C. A. 11th Cir. Certiorari denied.

No. 21–1020. *TINGLING v. EDUCATIONAL CREDIT MANAGEMENT CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 990 F. 3d 304.

No. 21–1024. *BRYSK v. HERSKOVITZ ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 4th 500.

No. 21–1029. *YOUNG v. EDELEN ET AL.* (four judgments). Ct. App. Ky. Certiorari denied.

No. 21–1038. *KENNEY v. CITY OF SAN DIEGO, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 830 Fed. Appx. 235.

No. 21–1042. *MINNICK v. WINKLESKI, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 15 F. 4th 460.

No. 21–1072. *DEMOCKER v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 21–1075. *ENGLAND v. COLSON.* C. A. 6th Cir. Certiorari denied.

No. 21–1076. *THAMILSELVAN v. THAMILSELVAN.* Ct. App. Mich. Certiorari denied.

No. 21–1092. *PERRY v. TENNESSEE.* Ct. Crim. App. Tenn. Certiorari denied.

No. 21–1095. *“I AM” SCHOOL, INC. v. CITY OF MOUNT SHASTA, CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 21–1105. *GARCIA v. WYOMING DEPARTMENT OF HEALTH AND SOCIAL SERVICES.* C. A. 10th Cir. Certiorari denied.

No. 21–1109. *CARSON v. MERIT SYSTEMS PROTECTION BOARD.* C. A. 6th Cir. Certiorari denied.

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No. 21–1117. *WATKINS ET AL. v. U. S. BANK N. A. ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–1118. *MOORE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 21–1122. *YOUNG v. MCGRATH.* Ct. App. Ky. Certiorari denied.

No. 21–1127. *SAMISH INDIAN NATION v. WASHINGTON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 4th 853.

No. 21–1135. *KUBUROVICH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 852 Fed. Appx. 291.

No. 21–1142. *DOMEN ET AL. v. VIMEO, INC.* C. A. 2d Cir. Certiorari denied.

No. 21–1149. *PHOENIX LIGHT SF DAC ET AL. v. U. S. BANK N. A.* C. A. 2d Cir. Certiorari denied.

No. 21–5511. *SANCHEZ ET AL. v. UNITED STATES;* and

No. 21–6282. *FAZAH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 472.

No. 21–5991. *FACKRELL v. UNITED STATES;* and

No. 21–5995. *CRAMER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 991 F. 3d 589.

No. 21–6054. *KOZIOL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 993 F. 3d 1160.

No. 21–6077. *MCCRAY v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 7 F. 4th 40.

No. 21–6212. *DE LA TORRIENTE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 846 Fed. Appx. 609.

No. 21–6223. *MERCADO-GRACIA v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 989 F. 3d 829.

No. 21–6238. *BROADNAX v. HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 996 F. 3d 1215.

No. 21–6319. *MARTINEZ v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 1 F. 4th 788.

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No. 21–6344. *SNYDER v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 1 F. 4th 996.

No. 21–6385. *DOSTAL v. BASIN ELECTRIC POWER COOPERATIVE ET AL.* Sup. Ct. S. D. Certiorari denied.

No. 21–6481. *WILSON v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2021 WI App 14, 396 Wis. 2d 194, 956 N. W. 2d 461.

No. 21–6519. *DRISKILL v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 21–6559. *KAYER v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY*. C. A. 9th Cir. Certiorari denied. Reported below: 841 Fed. Appx. 34.

No. 21–6580. *JOHNSON v. STEELE, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 999 F. 3d 584.

No. 21–6593. *HOOPER v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY*. C. A. 9th Cir. Certiorari denied. Reported below: 985 F. 3d 594.

No. 21–6639. *GIEBELL v. HEARTLAND DUBLIN NURSING FACILITY*. C. A. 6th Cir. Certiorari denied.

No. 21–6657. *DUDLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 4th 1249.

No. 21–6688. *MCNEILL v. SHOOP, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 10 F. 4th 588.

No. 21–6765. *OMBE v. COOK ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 861 Fed. Appx. 182.

No. 21–6782. *A. M., AKA A. G. v. COLORADO, IN THE INTEREST OF J. G. ET AL., CHILDREN*. Ct. App. Colo. Certiorari denied. Reported below: 486 P. 3d 504.

No. 21–6791. *JAVAHERI v. U. S. BANK N. A. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 963.

No. 21–6792. *LESLIE v. BODKIN ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 488 Mass. 1012, 174 N. E. 3d 315.

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No. 21–6805. *CHAPMAN v. SMITH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 685.

No. 21–6806. *WAND v. BOUGHTON, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 21–6807. *SALARY v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 21–6810. *JODIE T. v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2021 IL App (5th) 210096–U.

No. 21–6813. *WASHINGTON v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 21–6818. *LAWSON v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 165 Ohio St. 3d 445, 2021-Ohio-3566, 179 N. E. 3d 1216.

No. 21–6820. *DIXON v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY.* Sup. Ct. Ariz. Certiorari denied.

No. 21–6822. *BARBER v. HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 861 Fed. Appx. 328.

No. 21–6828. *MITCHELL v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 21–6830. *HUY-YING CHEN v. JPMORGAN CHASE BANK ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 18 Wash. App. 2d 1045.

No. 21–6835. *MA v. GALLERY BELLTOWN CONDOMINIUM ASSN.* Sup. Ct. Wash. Certiorari denied.

No. 21–6837. *RAGIN v. CIRCUIT COURT OF VIRGINIA, CITY OF NEWPORT NEWS.* Sup. Ct. Va. Certiorari denied.

No. 21–6841. *BENSON v. HEMET POLICE DEPARTMENT.* C. A. 9th Cir. Certiorari denied.

No. 21–6842. *BENSON v. CENSUS 2020 ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6848. *LOPEZ v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

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No. 21–6850. *VILLAFANA v. PADRICK, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 151.

No. 21–6853. *BELSSNER v. GITTINGS*. Ct. App. Nev. Certiorari denied. Reported below: 137 Nev. 887, 496 P. 3d 981.

No. 21–6854. *BYRD v. BANK OF NEW YORK MELLON, FKA TRUSTEE FOR THE BENEFIT OF ALTERNATIVE LOAN TRUST 2007–J1 MORTGAGE PASS-THROUGH CERTIFICATES, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–6855. *ANDRICH v. MEYERS ET AL.* Ct. App. Ariz. Certiorari denied.

No. 21–6857. *BLANDFORD v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 3d 1062, 176 N. E. 3d 1043.

No. 21–6865. *LANGFORD v. BAKER, WARDEN*. Ct. App. Nev. Certiorari denied. Reported below: 137 Nev. 932, 498 P. 3d 1289.

No. 21–6867. *THORPE v. ONEMAIN FINANCIAL*. Sup. Ct. Va. Certiorari denied.

No. 21–6869. *OBERWISE v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–6870. *DUMOND v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 21–6871. *PRICE v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 322 So. 3d 202.

No. 21–6872. *PERRY v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 322 So. 3d 1146.

No. 21–6873. *TORRES v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2020 IL App (1st) 172057–U.

No. 21–6877. *ALDRIDGE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 21–6881. *BRESSI v. MCCLOUD ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6889. *LOWERY v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

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No. 21–6891. *JOHNSON v. BOYD ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6892. *JOHNSON v. SMITH ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6893. *JOHNSON v. CLAYHURST ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6895. *BOYKIN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 21–6898. *STEVENS ET AL. v. WHITMORE.* C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 4th 1214.

No. 21–6899. *ALBERTS v. PERRY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 21–6900. *BROWN v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY.* Ct. App. Ariz. Certiorari denied.

No. 21–6903. *THOMAS v. GRUNDFOS CBS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–6904. *THOMAS v. STAFFLINK, INC., DBA LINK STAFFING SERVICES, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 983.

No. 21–6907. *BALDWIN v. ZURICH AMERICAN INSURANCE CO.* C. A. 5th Cir. Certiorari denied.

No. 21–6932. *DIXON v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 21–6938. *SUSSMAN v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 21–6943. *MS. T. v. MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.* Ct. Sp. App. Md. Certiorari denied. Reported below: 252 Md. App. 742.

No. 21–6953. *LUEVANO v. CLINTON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–6962. *PLASTER v. BURGESS, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 21–6965. *RHODEN v. PRICE*, EXECUTIVE DIRECTOR OF COALINGA STATE HOSPITAL. C. A. 9th Cir. Certiorari denied.

No. 21–6970. *WRIGHT v. RIVARD*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 856 Fed. Appx. 16.

No. 21–6980. *FOWLER v. FOX*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 21–6986. *ATLAS v. COVELLO*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 21–6995. *REGASSA v. BRININGER ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–6997. *CAINES v. INTERIAN*. C. A. 9th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 419.

No. 21–6999. *RICHARDSON v. CAMPBELL*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 21–7016. *GONZALEZ v. RHODE ISLAND*. Sup. Ct. R. I. Certiorari denied. Reported below: 254 A. 3d 813.

No. 21–7028. *PRIDE v. McDONOUGH*, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied.

No. 21–7033. *ALVARADO v. TICE*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 858 Fed. Appx. 596.

No. 21–7073. *COLLINS v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied.

No. 21–7079. *GLENN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7094. *GUILLERMO GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7102. *RIVAS-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7107. *NOWLAN v. NOWLAN*. C. A. 4th Cir. Certiorari denied.

No. 21–7110. *FUNEZ-ZAPATA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 21–7115. *STAHLNECKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7117. *ALLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7120. *TELLES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 18 F. 4th 290.

No. 21–7125. *KAETZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21–7128. *RILEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21–7129. *QUIROZ RAZO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 860 Fed. Appx. 477.

No. 21–7133. *SALEMME v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 15 F. 4th 1.

No. 21–7134. *BELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7135. *DAWSON v. LARSON, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 21–7136. *NESBITT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7139. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7140. *GULLETT-EL v. UNITED STATES*; and *GULLETT-EL v. SALAS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7147. *ARZATE-GAMEROZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7148. *BANES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21–7149. *ROMERO-SANDOVAL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7151. *JACKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7153. *MILES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 18 F. 4th 76.

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No. 21–7156. *HAWKINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7157. *LUCAS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7158. *LOPEZ-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7161. *PASCHAL v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 207 Conn. App. 328, 262 A.3d 893.

No. 21–7162. *JAIME LOPEZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21–7163. *RUTH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21–7169. *JAMES v. UNITED STATES* (two judgments). C. A. 4th Cir. Certiorari denied.

No. 21–7170. *BOWERS ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 19 F. 4th 66.

No. 21–7174. *GAMBOA-RIVERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7176. *CHISHOLM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7183. *DIAZ-BURGOS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7184. *LANGLEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 4th 1273.

No. 21–7188. *BANKS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7190. *TERRELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7191. *LEIJA-PERALTA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7195. *HIGGINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 21–7196. ALONSO RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 21–7210. WEBB *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 21–7214. TAYLOR *v.* VALENTINE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 21–7225. LATTIMORE *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2020 IL App (5th) 170194–U.

No. 20–1426. EPIC SYSTEMS CORP. *v.* TATA CONSULTANCY SERVICES LTD. ET AL. C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition. Reported below: 980 F. 3d 1117.

No. 21–144. SEATTLE’S UNION GOSPEL MISSION *v.* WOODS. Sup. Ct. Wash. Certiorari denied. Reported below: 197 Wash. 2d 231, 481 P. 3d 1060.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS joins, respecting the denial of certiorari.

The First Amendment gives “special solicitude to the rights of religious organizations” to operate according to their faith without government interference. *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U. S. 171, 189 (2012). In certain contexts, this autonomy requires courts to “stay out of employment disputes involving those holding certain important positions with churches and other religious institutions.” *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U. S. 732, 746 (2020). Consistent with this constitutional principle, Congress has long exempted religious employers from federal employment laws that would otherwise interfere with their ability “to define and carry out their religious missions” by imposing “potential liability” for hiring practices that favor co-religionists. *Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U. S. 327, 335–336 (1987); see also *id.*, at 342–343 (Brennan, J., concurring in judgment) (“a religious organization should be able to require that only members of its community perform those activities” that “constitute part of a religious community’s practice”).

Because of such federal statutory exemptions and their state analogs, we have yet to confront whether freedom for religious employers to hire their co-religionists is constitutionally required,

though the courts of appeals have generally protected the autonomy of religious organization to hire personnel who share their beliefs. See, e.g., *Little v. Wuerl*, 929 F. 2d 944 (CA3 1991); *Kennedy v. St. Joseph's Ministries, Inc.*, 657 F. 3d 189 (CA4 2011); *EEOC v. Mississippi College*, 626 F. 2d 447 (CA5 1980); *Hall v. Baptist Mem. Health Care Corp.*, 215 F. 3d 618 (CA6 2000); *Killinger v. Samford Univ.*, 113 F. 3d 196 (CA11 1997).

But in this case the confrontation may be inevitable, as it involves an employment dispute between a religious employer and an applicant who was not hired because he disagreed with that employer's religious views. The Washington Supreme Court expressly declined to apply its state employment law exemption for religious entities to this dispute. Instead, it held that if that state exemption applied to employment decisions beyond those involving church ministers, such an exemption would violate the Washington State Constitution's protection for other individual rights and could become a "license to discriminate." Because of the interlocutory posture of this case, I concur in the denial of certiorari at this time. But the day may soon come when we must decide whether the autonomy guaranteed by the First Amendment protects religious organizations' freedom to hire coreligionists without state or judicial interference.

I

Petitioner Seattle's Union Gospel Mission (Mission) was founded in 1932 to care for those suffering from the economic hardships attending the Great Depression. App. to Pet. for Cert. 159a. The Mission is a tax-exempt community categorized as a church equivalent by the Internal Revenue Service under 26 U.S.C. § 170(b)(1)(A)(i). It requires its paid staff to affirm its statement of faith, which declares "the Bible is the inspired, infallible, authoritative Word of God." App. to Pet. for Cert. 153a. Its employee handbook also requires staff to abide by the Mission's understanding of the Bible by refraining from "[a]cts or language which are considered immoral or indecent according to traditional biblical standards," including "extra-marital affairs, sex outside of marriage, [and] homosexual behavior." *Id.*, at 160a, 162a.

In 2016, respondent Matthew Woods, a former summer intern and volunteer for the Mission, saw a job posting for a staff attorney position in the Mission's legal aid clinic. He disclosed to the legal aid clinic's staff that he identified as bisexual and was in a

same-sex relationship, and he asked whether that would pose an obstacle to employment with the Mission. *Id.*, at 181a–182a, 200a–201a. The clinic’s director quoted the employee handbook and explained that Woods was not “able to apply,” but the director wished him well and later sent Woods a secular legal aid clinic’s job posting. *Id.*, at 122a, 184a, 197a–198a.

Woods nevertheless applied for the Mission’s staff attorney position to “protest” the Mission’s employment policy. *Id.*, at 127a. His application also disclosed that Woods was not an active member of a local church and could not provide a pastor’s name and contact information, as the application requested. Woods’s cover letter asked the Mission to “change” its religious practices. *Id.*, at 195a.

After he applied, the clinic’s director met Woods for lunch and confirmed that the Mission could not change its theology. *Id.*, at 147a. He explained that Woods’s employment application was not viable because he did not comply with the Mission’s religious lifestyle requirements, did not actively attend church, and did not exhibit a passion for helping clients develop a personal relationship with Jesus. The Mission hired a co-religionist candidate instead.

In 2017, Woods filed suit against the Mission in the Superior Court of King County. He alleged that the Mission violated Washington’s Law Against Discrimination (WLAD), which forbids discrimination against sexual orientation in employment decisions. The Mission answered that entertaining the suit would violate the First Amendment’s Religion Clauses. The Mission also argued that it fell into an express statutory exemption from the WLAD, which excludes “any religious or sectarian organization not organized for private profit” from its definition of “employer.” Wash. Rev. Code § 49.60.040(11) (2020). The Washington state trial court agreed, noting that the Mission “put applicants on notice” that employees must “accept the Mission’s Statement of Faith” and that the staff attorney’s duties would “extend beyond legal advice to include spiritual guidance and praying with the clients.” App. to Pet. for Cert. 64a–65a. The trial court thus dismissed the suit based on the WLAD’s statutory exemption.

The Washington Supreme Court granted Woods’s petition for direct review and reversed. The court held that as applied to Woods’s lawsuit, the WLAD’s religious exemption would violate protections for sexual orientation and same-sex marriage implicit

in the Washington Constitution's Privileges and Immunities Clause, Art. I, § 12, unless the court narrowed the scope of the WLAD religious exemption. It thus reasoned that the State Constitution would not be "offended if WLAD's exception for religious organizations is applied concerning the claims of a 'minister' as defined by *Our Lady of Guadalupe* and *Hosanna-Tabor*." 197 Wash. 2d 231, 250, 481 P. 3d 1060, 1069 (2021).

Rather than enter a final judgment, the Washington Supreme Court concluded that a "material question of fact remains concerning whether the [Mission] staff attorneys qualify as ministers." *Id.*, at 252, 481 P. 3d, at 1070. It thus remanded for "the trial court to determine whether staff attorneys can qualify as ministers." *Ibid.*

II

The Washington Supreme Court's reasoning presumes that the guarantee of church autonomy in the Constitution's Religion Clauses protects only a religious organization's employment decisions regarding formal ministers. But our precedents suggest that the guarantee of church autonomy is not so narrowly confined. As early as 1872, our church-autonomy cases explained that "civil courts exercise no jurisdiction" over matters involving "theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them." *Watson v. Jones*, 13 Wall. 679, 733 (1872). That is so because the Constitution protects religious organizations "from secular control or manipulation." *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U. S. 94, 116 (1952). The religious organizations protected include churches, religious schools, and religious organizations engaged in charitable practices, like operating homeless shelters, hospitals, soup kitchens, and religious legal-aid clinics similar to the Mission's—among many others.

Such religious groups' "very existence is dedicated to the collective expression and propagation of shared religious ideals," and "there can be no doubt that the messenger matters" in that religious expression. *Hosanna-Tabor*, 565 U. S., at 200–201 (ALITO, J., concurring). To force religious organizations to hire messengers and other personnel who do not share their religious views would undermine not only the autonomy of many religious organizations but also their continued viability. If States could compel religious organizations to hire employees who fundamentally dis-

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agree with them, many religious non-profits would be extinguished from participation in public life—perhaps by those who disagree with their theological views most vigorously. Driving such organizations from the public square would not just infringe on their rights to freely exercise religion but would greatly impoverish our Nation’s civic and religious life.

This case illustrates that serious risk. Woods applied for a position with the Mission not to embrace and further its religious views but to protest and fundamentally change them. The Washington Legislature sought to prevent its employment laws from being used in such a way by exempting “any religious or sectarian organization not organized for private profit” from its definition of a covered “employer.” Wash. Rev. Code §49.60.040(11); see Brief for 20 Current and Former Washington State Legislators as *Amici Curiae* 4–5. The Washington Supreme Court’s decision to narrowly construe that religious exemption to avoid conflict with the Washington Constitution may, however, have created a conflict with the Federal Constitution.

III

The Washington Supreme Court’s decision may warrant our review in the future, but threshold issues would make it difficult for us to review this case in this posture. The state court did not address whether applying state employment law to require the Mission to hire someone who is not a co-religionist would infringe the First Amendment. Further, respondent claims that the Washington Supreme Court’s decision is not a final judgment because of its interlocutory nature, see 28 U. S. C. § 1257(a), while petitioner contends that we have jurisdiction under *Cox Broadcasting Corp. v. Cohn*, 420 U. S. 469, 477 (1975). Given respondent’s admission that “there is no prospect that this Court would be precluded from reviewing” these First Amendment questions “once there is a final state judgment,” Brief in Opposition 21–22, I concur in the denial of certiorari.

No. 21–614. *GREEN v. PIERCE COUNTY, WASHINGTON*. Sup. Ct. Wash. Motions of Liberty Justice Center and Cato Institute for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 197 Wash. 2d 841, 487 P. 3d 499.

No. 21–868. *OKLAHOMA v. FOSTER*. Ct. Crim. App. Okla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

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No. 21–1037. *BRIGGS v. CAMERON ET AL.* C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 21–7086. *WHITEFIELD v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 21–7164. *PYNE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 848 Fed. Appx. 606.

Rehearing Denied

No. 20–1817. *EZAKI GLICO KABUSHIKI KAISHA ET AL. v. LOTTE INTERNATIONAL AMERICA CORP. ET AL.*, 595 U. S. 1038;

No. 20–8356. *HARRELL v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*, 595 U. S. 947;

No. 21–517. *MARQUES v. JPMORGAN CHASE, N. A.*, 595 U. S. 1082;

No. 21–739. *SINGH v. WON*, 595 U. S. 1185;

No. 21–5555. *HARTWELL v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 1044;

No. 21–5881. *IN RE CREAMER*, 595 U. S. 1088;

No. 21–5926. *KUNIK v. NEW YORK CITY DEPARTMENT OF EDUCATION ET AL.*, 595 U. S. 1141;

No. 21–5951. *BAUMGARTEN v. EVANS*, 595 U. S. 1141;

No. 21–6116. *COBB v. UNITED STATES*, 595 U. S. 1100;

No. 21–6127. *IN RE GRIFFITH*, 595 U. S. 1089;

No. 21–6129. *RAGIN v. SUPREME COURT OF VIRGINIA*, 595 U. S. 1144;

No. 21–6163. *LYNCH v. NEW YORK STATE JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS*, 595 U. S. 1145;

No. 21–6173. *SALU v. NEW YORK STATE JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS*, 595 U. S. 1145;

No. 21–6399. *ANDERSON v. STACY* (two judgments), 595 U. S. 1188;

No. 21–6410. *SPECKMAN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 1188; and

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No. 21–6591. *SPOTTSVILLE v. GEORGIA*, 595 U. S. 1156. Petitions for rehearing denied.

No. 21–6522. *BANERJEE v. BANK OF AMERICA, N. A.*, 595 U. S. 1154. Motion for leave to file petition for rehearing denied.

MARCH 23, 2022

Miscellaneous Order

No. 21A490. *GROTHMAN, UNITED STATES CONGRESSMAN, ET AL. v. WISCONSIN ELECTIONS COMMISSION ET AL.* Sup. Ct. Wis. Application for stay, presented to JUSTICE BARRETT and by her referred to the Court, denied.

MARCH 24, 2022

Dismissal Under Rule 46

No. 21–973. *COLANGELO ET AL. v. CHASE*. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46.

Miscellaneous Order

No. 156, Orig. *NEW YORK v. NEW JERSEY*. Motion for preliminary relief granted. New Jersey is hereby enjoined from enforcing Chapter 324 [2017 N. J. Laws p. 2102] or taking action to withdraw unilaterally from the compact or terminate the commission pending disposition of the motion for leave to file bill of complaint and, if granted, disposition of the case.

MARCH 25, 2022

Miscellaneous Order

No. 21A477. *AUSTIN, SECRETARY OF DEFENSE, ET AL. v. U. S. NAVY SEALS ET AL.* D. C. N. D. Tex. Application for partial stay, presented to JUSTICE ALITO, and by him referred to the Court, granted. The District Court’s January 3, 2022 order, insofar as it precludes the Navy from considering respondents’ vaccination status in making deployment, assignment, and other operational decisions, is stayed pending disposition of the appeal in the United States Court of Appeals for the Fifth Circuit and disposition of the petition for writ of certiorari, if such writ is timely sought. Should the petition for writ of certiorari be denied, this order shall terminate automatically. In the event the petition for writ

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of certiorari is granted, the order shall terminate upon the sending down of the judgment of this Court. JUSTICE THOMAS would deny the application for partial stay.

JUSTICE KAVANAUGH, concurring.

I concur in the Court's decision to grant the Government's application for a partial stay of the District Court's preliminary injunction for a simple overarching reason: Under Article II of the Constitution, the President of the United States, not any federal judge, is the Commander in Chief of the Armed Forces. In light of that bedrock constitutional principle, "courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security affairs." *Department of Navy v. Egan*, 484 U. S. 518, 530 (1988). As the Court has long emphasized, moreover, the "complex, subtle, and professional decisions as to the composition, training, equipping, and control of a military force are essentially professional military judgments." *Gilligan v. Morgan*, 413 U. S. 1, 10 (1973). Therefore, it is "difficult to conceive of an area of governmental activity in which the courts have less competence." *Ibid.*

In this case, the District Court, while no doubt well-intentioned, in effect inserted itself into the Navy's chain of command, overriding military commanders' professional military judgments. The Court relied on the Religious Freedom Restoration Act. See 42 U. S. C. § 2000bb–1(b). But even accepting that RFRA applies in this particular military context, RFRA does not justify judicial intrusion into military affairs in this case. That is because the Navy has an extraordinarily compelling interest in maintaining strategic and operational control over the assignment and deployment of all Special Warfare personnel—including control over decisions about military readiness. And no less restrictive means would satisfy that interest in this context.

The Court "should indulge the widest latitude" to sustain the President's "function to command the instruments of national force, at least when turned against the outside world for the security of our society." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U. S. 579, 645 (1952) (Jackson, J., concurring). That fundamental principle applies here. As Admiral William Lescher, Vice Chief of Naval Operations, explained: "Sending ships into combat without maximizing the crew's odds of success, such as

would be the case with ship deficiencies in ordnance, radar, working weapons or the means to reliably accomplish the mission, is dereliction of duty. The same applies to ordering unvaccinated personnel into an environment in which they endanger their lives, the lives of others and compromise accomplishment of essential missions.” App. to Application for Partial Stay 110a.

In sum, I see no basis in this case for employing the judicial power in a manner that military commanders believe would impair the military of the United States as it defends the American people.

JUSTICE ALITO, with whom JUSTICE GORSUCH joins, dissenting.

By rubberstamping the Government’s request for what it calls a “partial stay,” the Court does a great injustice to the 35 respondents—Navy Seals and others in the Naval Special Warfare community—who have volunteered to undertake demanding and hazardous duties to defend our country. These individuals appear to have been treated shabbily by the Navy, and the Court brushes all that aside. I would not do so, and I therefore dissent.

I

In August 2021, the Secretary of the Navy made COVID-19 vaccination mandatory and threatened severe consequences, including dishonorable discharge and confinement, for anyone who refused.¹ Later Navy directives told service members that they could apply for religious exemptions, see *U. S. Navy Seals v. Biden*, No. 4:21-cv-01236 (ND Tex., Jan. 3, 2022) ECF, Doc. 44-1, p. 40 (Trident Order #12), but this program, as described by the District Court, was largely “theater” designed to result in the denial of almost all requests. *U. S. Navy Seals v. Biden*, 578 F. Supp. 3d 822, 826 (ND Tex. 2022).

The exemption procedure that the Navy set up included no fewer than 50 steps, and during the first 35 steps, none of the various officials who processed requests gave any consideration

¹See Decl. of W. Lescher in No. 4:21-cv-01236 (ND Tex.), ECF Doc. 87, p. 10 (explaining that the Navy’s vaccination policy was that refusing to be vaccinated would constitute the refusal to obey “a lawful order under Article 92 of the Uniform Code of Military Justice,” which is punishable by dishonorable discharge and confinement for two years).

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to their merit. Decl. of A. Stephens, Exh. 1, ECF Doc. 62, at 10–26. Instead, a form letter rejecting each request was prepared and sent to seven offices for review. 578 F. Supp. 3d, at 831.² A package of rejection letters was then assembled, together with a memo asking the vice admiral who served as a deputy chief of naval operations to sign the rejection letters. *Ibid.* Only at step 35 was someone in this chain told to read the exemption requests, but it appears that this individual was not given an opportunity to recommend that a request be granted. See ECF Doc. 62, at 7. Instead, this person’s sole task was to record pertinent information on a spreadsheet and send the package on to the vice admiral. *Id.*, at 7–8.

Given the nature of this procedure, the results it produced are not surprising. Although more than 4,000 exemption requests had been submitted by February 15, 2022, not a single one had been approved when the complaint in this case was filed. See Application for Partial Stay 9, and n. 3 (Application) (citing ECF Doc. 129, at 16, n. 2 (Feb. 23, 2022)).

Respondents are among the many recipients of form rejection letters, and according to their declarations and testimony, some of them were told outright that pressing for a religious exemption would end their naval careers. A respondent identified as Navy Seal 2 stated that a superior officer advised him that “‘all religious accommodation requests will be denied’” because “‘senior leadership . . . has no patience or tolerance for service members who refuse COVID–19 vaccination for religious reasons and want them out of the SEAL community.’” *U. S. Navy Seals v. Biden*, 27 F. 4th 336, 342 (CA5 2022) (*per curiam*). This officer allegedly added that “‘even if a legal challenge is somehow successful, the senior leadership of Naval Special Warfare will remove [his] special warfare designation.’” *Ibid.* According to Navy Seal 5, he was told that “‘there [would] be a blanket denial of all religious accommodation requests regarding COVID–19 vaccination.’” *Id.*, at 342–343. Navy Seal 8 declared that his “‘chain of command . . . made it clear that [his] request [would] not be approved

² Both the District Court and the Court of Appeals concluded based on the record that the Navy did not have a template for approving an exemption. See *U. S. Navy Seals v. Biden*, 27 F. 4th 336, 341 (CA5 2022) (*per curiam*); 578 F. Supp. 3d, at 831. In the reply filed in this Court, the Solicitor General claims that there was an approval template, Reply Brief 12, n. 6, but no such document has been supplied to this Court.

and . . . provided [him] with information on how to prepare for separation from the U. S. Navy.’” *Id.*, at 343. Navy Seal 11 stated that a command master chief told him that “‘anyone not receiving the COVID–19 vaccine is an “acceptable loss” to the Naval Special Warfare (NSW) community.’” *Ibid.*

Forced to choose between violating their religious beliefs and the punishment that the Navy threatened, respondents brought this suit, claiming that the Navy’s denial of their exemption requests violated the Free Exercise Clause of the First Amendment and the Religious Freedom Restoration Act of 1993 (RFRA), 107 Stat. 1488, 42 U.S.C. §2000bb *et seq.* See Complaint in ECF Doc. 1. The District Court found that these claims were likely to succeed, and it issued a preliminary injunction prohibiting the Navy from taking adverse actions against respondents due to their unvaccinated status. 578 F. Supp. 3d, at 840. But the court made clear that its order did not require the Navy “to make any particular personnel assignments” and left “[a]ll strategic decisions . . . in the hands of the Navy.” App. to Application for Partial Stay 60a.

The Government appealed and asked the U. S. Court of Appeals for the Fifth Circuit to stay the preliminary injunction, but the Fifth Circuit refused and issued a detailed opinion. 27 F. 4th 336.

The Government then applied to this Court for what it characterizes as a “partial stay,” and the Court now issues a stay that uses precisely the language that the Government proposed. As I will explain, the Court’s order essentially gives the Navy *carte blanche* to warehouse respondents for the duration of the appellate process, which may take years. There is no justification for this unexplained and potentially career-ending disposition.

II

In order to obtain a stay, the Government must show, among other things, that it is likely to succeed in defeating respondents’ RFRA and free exercise claims, *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987), and it cannot make that showing.

A

Under the clear terms of RFRA, all components of the Federal Government are forbidden to burden a person’s exercise of religion unless the Government can demonstrate that the burden represents the least restrictive means of furthering a compelling interest. 42 U.S.C. §2000bb–1(b); *Holt v. Hobbs*, 574 U.S. 352,

357 (2015). The Government does not claim that Article II imperatives absolve the Navy's chain of command from complying with RFRA, and it concedes that the statute applies to the military. Application 28 (citing *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 726–727 (2014)). Indeed, even the form disapproval letter for religious accommodation requests in the District Court record explains that RFRA applies to the Navy, and it is the Navy's position that “only those interests of the highest order can overbalance legitimate claims to the free exercise of religion.” ECF Doc. 62, at 27–28.

Here, it is not disputed that compliance with the vaccination requirement would impose a substantial burden on respondents' free exercise of religion. Therefore, the two remaining questions are (1) whether the Navy's mandatory vaccination program furthers compelling interests and (2) whether the denial of respondents' exemptions represents the least restrictive means of furthering such interests.

As to the first question, I agree that the Navy has a compelling interest in preventing COVID–19 infection from impairing its ability to carry out its vital responsibilities, as well as a compelling interest in minimizing any serious health risk to Navy personnel. But the Navy's summary rejection of respondents' requests for religious exemptions was by no means the least restrictive means of furthering those interests. This is so for at least two reasons.

First, all the evidence available at this stage suggests that the Navy gave no real consideration to respondents' requests, and the Navy had no compelling need to proceed in that fashion. I cannot believe that this Court would tolerate such treatment in other contexts. Suppose, for example, that a federal agency processed employee complaints about discrimination on the basis of race, sex, or disability using a 50-step process in which rejection was presumed until the very last step, and suppose that the record showed that this procedure nearly always resulted in the denial of a claim. We would be outraged—and rightfully so. Why, then, is the Court willing to brush aside what appears to have occurred here?

Second, even if we ignore what the Navy did and accept the justification for the denials that Justice Department lawyers later provided in court, the relief that the Court now awards goes well beyond anything that can possibly be regarded as the least

restrictive means of further compelling Navy interests. Focusing primarily on the Seals, the Government stresses certain characteristics of Seal missions, including small unit size, the frequent need to work at very close quarters, and the remote and often inaccessible locations in which such missions are carried out. Due to those characteristics, the Government argues, there is a heightened danger that the COVID-19 virus will spread, as well as a special need to minimize the risk that a mission will be compromised by a sick team member who is unable to perform assigned tasks with maximum effectiveness.

In order to win at trial, it would not be enough for the Government to posit that sending an unvaccinated Seal on such a mission *might* produce such consequences. A court could not simply defer to the Navy's opinion, and mere "conjecture" or "speculation" would not be enough. See *Ramirez v. Collier*, 595 U. S. 411, 427–430 (2022); *Fulton v. Philadelphia*, 593 U. S. 522, 541–542 (2021). The Government would bear the burden of showing that mandatory vaccination is the least restrictive means of furthering the interest it asserts in light of the present nature of the pandemic, what is known about the spread of the virus and the effectiveness of the vaccines, prevalent practices, and the physical characteristics of Navy Seals and others in the Special Warfare community.

Whether the Government will be able to make the requisite showing remains to be seen, but for the purposes of considering interim relief that is sought in an emergency application, I am willing to accept the Navy's need to refrain from sending unvaccinated Seals on the types of missions the Government has described. But participating in such missions is not the only thing that respondents do, and the relief that the Government sought and that the Court now awards goes much further. Using the terminology selected by the Government, the Court stays the preliminary injunction with respect to decisions about "deployment," "assignment," and "other operational decisions."

The Government has not told us what these terms mean, but without any contrary guidance, we must assume that they will be interpreted in accordance with the definitions in the Department of Defense Dictionary of Military and Associated Terms (DOD Dictionary).³ And as defined in that dictionary, the terms seem-

³ See DOD Dictionary (Nov. 2021), <https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/dictionary.pdf>.

ingly allow the Navy to do just about anything it wants short of punishing respondents and drumming them out of the service.

“Deployment” is defined as “[t]he movement of forces into and out of an operational area,”⁴ and an “operational area” seems to mean any “geographic are[a]” where the Navy might carry out “a strategic, operational, tactical, service, training, or administrative military mission.”⁵ Thus, sending a respondent somewhere for training or administrative purposes may constitute a deployment.

The term “assignment” appears to include detailing an individual to perform any duties on something more than a temporary basis.⁶ And an “operational decision” apparently can include the carrying out of any “strategic, operational, tactical, service, training, or administrative military mission.”⁷

Putting all this together, it appears that the Court’s order allows the Navy to use respondents’ unvaccinated status as a reason for directing them to perform whatever duties or functions the Navy wants, including sitting alone in a room pushing paper or reading manuals for the duration of the appellate process. It is squarely within the judicial power of Article III to assess whether the Government has shown that it has a compelling interest in obtaining this breadth of equitable relief pending appeal. The Government has not done so.

I would not rubberstamp the Government’s proposed language. While I am not sure that the Navy is entitled to any relief at this stage, I am also wary, as was the District Court, about judicial interference with sensitive military decision making. Granting a substantial measure of deference to the Navy, I would limit the order to the selection of the Special Warfare service members who are sent on missions where there is a special need to minimize

⁴ *Id.*, at 62.

⁵ *Id.*, at 159.

⁶ The DOD Dictionary does not define “assignment,” but the term “assign” is given this complex definition:

“1. To place units or personnel in an organization where such placement is relatively permanent, and/or where such organization controls and administers the units or personnel for the primary function, or greater portion of the functions, of the unit or personnel. 2. To detail individuals to specific duties or functions where such duties or functions are primary and/or relatively permanent.” *Id.*, at 20.

⁷ The specific term “operational decision” is not defined, but the definition of “operation” includes “the carrying out of a strategic, operational, tactical, service, training, or administrative military mission.” *Id.*, at 159.

the risk that the illness of a member due to COVID-19 might jeopardize the success of the mission or the safety of the team members. This, I believe, was the aim of the District Court, and respondents themselves understand the preliminary injunction that way. See Response in Opposition 1 (stating that the injunction “does not require the Navy to deploy any of the thirty-five plaintiffs” (footnote omitted)).

B

Respondents are also likely to prevail on their claims under the Free Exercise Clause. Under our case law, if the Federal Government or a State treats conduct engaged in for religious reasons less favorably than similar conduct engaged in for secular reasons, that treatment is unconstitutional unless the relevant jurisdiction can satisfy “strict scrutiny,” which is essentially the same as the standard imposed by RFRA. See *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872, 878–879 (1990); *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 533 (1993).

That “[o]ur review of military regulations challenged on First Amendment grounds” is deferential does not “render entirely nugatory in the military context the guarantees of the First Amendment.” *Goldman v. Weinberger*, 475 U.S. 503, 507 (1986). “This Court has never held . . . that military personnel are barred from all redress in civilian courts for constitutional wrongs suffered in the course of military service.” *Chappell v. Wallace*, 462 U.S. 296, 304 (1983).

Here, the Navy treated service members who applied for medical exemptions more favorably than those who sought religious exemptions. For one thing, requests for medical exemptions were seriously considered, and quite a few were granted, at least on a temporary basis. Application 7–8; 27 F. 4th, at 348 (“[T]he Navy acknowledges that it has granted hundreds of medical exemptions from the COVID-19 vaccine, at least 17 of which were temporary medical exemptions for those in Naval Special Warfare”). In addition, service personnel with medical exemptions are not restricted as severely as respondents will be under the Court’s order. 578 F. Supp. 3d, at 832. Indeed, the District Court found that under Navy policy those participating in clinical trials and those with medical contraindications and allergies to vaccines remained deployable, unlike those seeking religious accommodations. *Id.*, at 837 (citing ECF Doc. 17–2, at 66). The Navy has

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no interest in different treatment for accommodation requests that produce otherwise identical outcomes. I would therefore specify in the Court's order that the Navy must provide equal treatment for all unvaccinated service members.

III

Today, the Court brushes aside respondents' First Amendment and RFRA rights. But yesterday, the Court handed down another decision that illustrates the strong protection for religious liberty that is provided by the framework that applies under RFRA and strict scrutiny. The decision in question, *Ramirez v. Collier*, involved a convicted murderer awaiting execution and his rights under the Religious Land Use and Institutionalized Persons Act of 2000, 14 Stat. 803, 42 U.S.C. § 2000cc *et seq.*, which, among other things, essentially requires prisons to comply with the RFRA standard. Ramirez argued that his exercise of religion will be burdened unless Texas allows his pastor to lay hands on him and pray aloud while he is being executed. Ramirez was less than punctilious and consistent in requesting a religious accommodation, see *Ramirez*, 595 U.S., at 419–420; *id.*, at 452–453 (THOMAS, J., dissenting), but the Court's decision forgave all that. Texas objected to Ramirez's request on the ground that the pastor's conduct might interfere with the execution, but the Court held that the State failed to discharge its burden to substantiate the likelihood of such harm. *Id.*, at 456–457.

The contrast between our decision in *Ramirez* yesterday and the Court's treatment of respondents today is striking. We properly went to some lengths to protect Ramirez's rights because that is what the law demands. We should do no less for respondents.