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MAY 1 THROUGH JUNE 11, 2025

Page Proof Pending Publication

REBECCA A. WOMELDORF

REPORTER OF DECISIONS



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ORDERS FOR MAY 1 THROUGH
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MAY 1, 2025

Dismissals Under Rule 46

No. 24–915. IN RE REAGOR. Petition for writ of mandamus dismissed under this Court’s Rule 46.

No. 24–6680. ROGERS *v.* GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari dismissed under this Court’s Rule 46.

Certiorari Denied

No. 24–7079 (24A1037). HUTCHINSON *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 24–7084 (24A1043). HUTCHINSON *v.* DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 24–7087 (24A1044). HUTCHINSON *v.* FLORIDA ET AL. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 24–7111 (24A1054). HUTCHINSON *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 24–7117 (24A1057). HUTCHINSON *v.* DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

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Certiorari Dismissed

No. 24–6714. LETTIERI *v.* DANIELS ET AL. 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. 24–6736. LETTIERI *v.* FEDERAL BUREAU OF INVESTIGATION. 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.

Miscellaneous Orders

No. 24A862. KRUMBACK *v.* PIRRAGLIA, ACTING WARDEN, ET AL. C. A. 8th Cir. Application for bail, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 24A864. SCHIER, ADMINISTRATOR OF THE ESTATE OF SCHIER *v.* ANDERTON. C. A. 9th Cir. Application for stay, addressed to JUSTICE GORSUCH and referred to the Court, denied.

No. 24A884. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* CASA, INC., ET AL. C. A. 4th Cir.;

No. 24A885. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* WASHINGTON ET AL. C. A. 9th Cir.; and

No. 24A886. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* NEW JERSEY ET AL. C. A. 1st Cir. [Consideration of applications deferred pending oral argument, 604 U.S. 1250.] Motion of respondents for divided argument granted.

No. 24A902. PRETE *v.* RHODE ISLAND. Sup. Ct. R. I. Application for stay, addressed to JUSTICE ALITO and referred to the Court, denied.

No. 24M79. BELL ET AL. *v.* SWIFT ET AL.; and

No. 24M80. BELL ET AL. *v.* SWIFT ET AL. Motions of petitioner for leave to proceed as a veteran denied.

No. 24M81. DYKMAN *v.* BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM. Motion for leave to file petition for writ of certiorari with declaration of indigency under seal denied.

No. 24–557. VILLARREAL *v.* TEXAS. Ct. Crim. App. Tex. [Certiorari granted, 604 U.S. 1241.] Motion of petitioner to dispense with printing joint appendix granted.

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No. 24–699. EXXON MOBIL CORP. *v.* CORPORACIÓN CIMEX, S. A. (CUBA), ET AL. C. A. D. C. Cir.

No. 24–6685. EAVES *v.* KORY ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 27, 2025, 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. 24–6982. IN RE GERRANS. Petition for writ of habeas corpus denied.

No. 24–6955. IN RE JOHNSON. 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. 24–6394. IN RE MOSLEM ET AL.;

No. 24–6721. IN RE SCOTT; and

No. 24–6896. IN RE BLAIR. Petitions for writs of mandamus denied.

Certiorari Denied

No. 24–683. ENERGETIC TANK, INC., AS OWNER OF THE M/V ALNIC MC *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied.

No. 24–685. McBRINE ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 24–701. MOYLAN, ATTORNEY GENERAL OF GUAM *v.* LEON GUERRERO, GOVERNOR OF GUAM. Sup. Ct. Guam. Certiorari denied.

No. 24–929. SOLEM *v.* TAYLOR. Sup. Ct. Va. Certiorari denied.

No. 24–937. CAYETANO *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. No. 24–944. CELLSPIN SOFT, INC. *v.* FITBIT LLC ET AL. (two judgments). C. A. Fed. Cir. Certiorari denied.

No. 24–966. RESPONSIBLE OFFSHORE DEVELOPMENT ALLIANCE *v.* DEPARTMENT OF THE INTERIOR ET AL.; and

No. 24–971. SEAFREEZE SHORESIDE, INC., ET AL. *v.* DEPARTMENT OF THE INTERIOR ET AL. C. A. 1st Cir. Certiorari denied.

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No. 24–976. *ALARIS HEALTH AT BOULEVARD EAST v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied.

No. 24–987. *KINGSTON KOHR, LLC v. CITY OF IRVINE, CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 24–1024. *COCROFT ET AL. v. GRAHAM, COMMISSIONER, MISSISSIPPI DEPARTMENT OF REVENUE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–1044. *TYLER ET AL. v. COX, COMMISSIONER, BOSTON POLICE DEPARTMENT, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 24–1049. *QIU v. BOARD OF EDUCATION OF BOWLING GREEN INDEPENDENT SCHOOLS, KENTUCKY*. C. A. 6th Cir. Certiorari denied.

No. 24–1051. *NISSEN v. AMBLER, INDIVIDUALLY AND ON BEHALF OF ALL WRONGFUL DEATH BENEFICIARIES OF AMBLER, THE ESTATE OF AMBLER, AND AS NEXT FRIEND OF J. R. A., MINOR CHILD, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–1052. *OPEN JUSTICE BALTIMORE ET AL. v. BALTIMORE CITY LAW DEPARTMENT ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–1054. *BLOCKHUS v. UNITED AIRLINES, INC.* C. A. 7th Cir. Certiorari denied.

No. 24–1058. *CLOUDOFCHANGE, LLC v. NCR CORP.* C. A. Fed. Cir. Certiorari denied.

No. 24–6071. *TUCKER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6212. *LEWIS v. MORALES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 24–6293. *OHIO EX REL. GOMEZ v. FAVREAU, JUDGE, ET AL.* Sup. Ct. Ohio. Certiorari denied.

No. 24–6396. *PERRIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6399. *LONDONIO ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 24–6420. *STANKO v. STIRLING, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6684. *LOPEZ v. THOMAS.* C. A. 9th Cir. Certiorari denied.

No. 24–6696. *TURNER v. RAPP.* C. A. 2d Cir. Certiorari denied.

No. 24–6697. *CHADWICK v. MARYLAND.* C. A. 4th Cir. Certiorari denied.

No. 24–6699. *CLARK v. COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–6701. *CROMEY v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 24–6707. *TURNER v. DEPARTMENT OF JUSTICE, OFFICE OF ADMINISTRATION, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6708. *MARSHALL v. CAUDILL.* Ct. App. Ky. Certiorari denied.

No. 24–6717. *JACKSON v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 24–6745. *FOSTER v. CARGOR, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 24–6748. *GALLEY v. COLORADO.* Ct. App. Colo. Certiorari denied.

No. 24–6780. *CRAGO v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 24–6781. *ALESSA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 24–6831. *HARRIS v. ROGERS, WARDEN.* C. A. 4th Cir. Certiorari denied.

No. 24–6867. *ROARK v. SAN DIEGO COUNTY CREDIT UNION.* C. A. 9th Cir. Certiorari denied.

No. 24–6870. *MARINAKIS v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

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No. 24–6893. *TAUM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6907. *LOBO-LOPEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6914. *JOHNSON v. SHEWMAKER, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 24–6920. *KIRKENDOLL v. WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 24–6924. *TREVINO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6926. *BANKSTON, AKA LEE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 24–6927. *COBB v. OHIO*. Ct. App. Ohio, 5th App. Dist., Richland County. Certiorari denied.

No. 24–6945. *MULLIGAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6952. *RUDOMETKIN v. UNITED STATES*. C. A. Armed Forces. Certiorari denied.

No. 24–6953. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6960. *McGRADY v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 24–6963. *MARTINEZ-ROMERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6965. *MALANGA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–6966. *CAREAGA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6984. *WOODSON v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

Rehearing Denied

No. 23–7209. *MCCARTHY v. WALMART INC.*, 602 U. S. 1032;

No. 24–593. *KAETZ v. UNITED STATES ET AL.*, 604 U. S. 1125;

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No. 24–825. WC REALTY GROUP, INC., DBA CENTURY 21 WC REALTY *v.* AFFORDABLE AERIAL PHOTOGRAPHY, INC., 604 U. S. 1194;

No. 24–5927. WATSON *v.* STREETER, WARDEN, ET AL., 604 U. S. 1088;

No. 24–6007. WATSON *v.* BERGMAN, WARDEN, ET AL., 604 U. S. 1099; and

No. 24–6251. KIDDEY *v.* TRANSPORTATION SECURITY ADMINISTRATION, 604 U. S. 1134. Petitions for rehearing denied.

MAY 6, 2025

Miscellaneous Order

No. 24A1030. UNITED STATES ET AL. *v.* SHILLING, COMMANDER, ET AL. C. A. 9th Cir. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, granted. The March 27, 2025, preliminary injunction entered by the United States District Court for the Western District of Washington, case No. 2:25–cv–241, is stayed pending disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for writ of certiorari, if such a writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court. JUSTICE SOTOMAYOR, JUSTICE KAGAN, and JUSTICE JACKSON would deny the application.

MAY 12, 2025

Dismissal Under Rule 46

No. 24–719. PANOCHE ENERGY CENTER, LLC *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 9th Cir. Certiorari dismissed under this Court’s Rule 46.

MAY 14, 2025

Dismissal Under Rule 46

No. 24–1077. SIERRA HEALTH & LIFE INSURANCE Co., INC. *v.* ESKEW, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF ESKEW. Sup. Ct. Nev. Certiorari dismissed under this Court’s Rule 46.

Certiorari Denied

No. 24–7169 (24A1087). ROGERS *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented

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to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

MAY 15, 2025

Miscellaneous Order

No. 24–482. ELLINGBURG *v.* UNITED STATES. C. A. 8th Cir. [Certiorari granted, 604 U.S. 1241.] John F. Bash, Esq., of Austin, Tex., is invited to brief and argue this case as *amicus curiae* in support of judgment below.

MAY 16, 2025

Certiorari Granted—Vacated and Remanded. (See *A. A. R. P. v. Trump*, 605 U.S. 91 (2025) (*per curiam*).)

MAY 19, 2025

Affirmed for Absence of Quorum

No. 24–6839. BAKER *v.* COATES ET AL. C. A. 2d Cir. Because the Court lacks a quorum, 28 U.S.C. §1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U.S.C. §2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” JUSTICE ALITO, JUSTICE SOTOMAYOR, JUSTICE GORSUCH, JUSTICE BARRETT, and JUSTICE JACKSON took no part in the consideration or decision of this petition.

Certiorari Granted—Vacated and Remanded

No. 23–866. NORDBY *v.* SOCIAL SECURITY ADMINISTRATION. C. A. Fed. Cir. Reported below: 67 F. 4th 1170; and

No. 23–868. FLYNN *v.* DEPARTMENT OF STATE. C. A. Fed. Cir. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Feliciano v. Department of Transp.*, 605 U.S. 38 (2025).

No. 24–6569. DIAL *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for fur-

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ther consideration in light of *United States v. Rahimi*, 602 U. S. 680 (2024).

Certiorari Dismissed

No. 24–6624. *STAMPONE v. AMANN ET AL.* C. A. 3d 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. 24–6728. *LETTIERI v. VILARDO, JUDGE, UNITED STATES DISTRICT COURT FOR THE WESTERN 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. 24–6812. *LETTIERI v. BROOME COUNTY HUMANE SOCIETY ET AL.* 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. 24–6845. *LETTIERI v. DEPARTMENT OF JUSTICE ET AL.* 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.

Miscellaneous Orders

No. 24A245. *RYNN, NEXT FRIEND AND PARENT OF M. R., A MINOR v. MCKAY, ET AL.* C. A. 9th Cir. Application to vacate injunction, addressed to JUSTICE ALITO and referred to the Court, denied.

No. 24A1059. *NOEM, SECRETARY, DEPARTMENT OF HOMELAND SECURITY, ET AL. v. NATIONAL TPS ALLIANCE ET AL.* C. A. 9th Cir. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, granted. The March 31, 2025, order entered by the United States District Court for the Northern District of California, case No. 3:25–cv–1766, is stayed pending

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disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for writ of certiorari, if such writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court. This order is without prejudice to any challenge to Secretary Noem's February 3, 2025, vacatur notice insofar as it purports to invalidate [employment authorization documents] EADs, Forms I-797, Notices of Action, and Forms I-94 issued with October 2, 2026, expiration dates. See 8 U. S. C. § 1254a(d)(3). JUSTICE JACKSON would deny the application.

No. 24M82. SEALED APPELLANT *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal granted.

No. 24M83. IN RE GRAND JURY INVESTIGATION. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 24M84. WINDY COVE, INC., ET AL. *v.* CIRCLE K STORES, INC. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 24M85. STINSON *v.* UNITED STATES; and

No. 24M86. STINSON *v.* MEMPHIS LIGHT, GAS AND WATER, ET AL. Motions for leave to proceed as a veteran denied.

No. 24-6901. DIEUJUSTE *v.* SIN, JUDGE, FAMILY COURT OF NEW YORK, QUEENS COUNTY, ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 9, 2025, 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. 24-7023. IN RE HAMILTON; and

No. 24-7070. IN RE CHALIFOUX. Petitions for writs of habeas corpus denied.

No. 24-6746. IN RE HOI. Petition for writ of mandamus denied.

Certiorari Denied

No. 23-7806. SEALE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

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No. 24–562. *MODARRESI v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 24–570. *DAWES, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DECEDENT DAWES, ET AL. v. CITY OF DALLAS, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–594. *SEALE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–677. *HILL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–693. *JAKE’S FIREWORKS, INC. v. CONSUMER PRODUCT SAFETY COMMISSION ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–714. *T. W. v. NEW YORK STATE BOARD OF LAW EXAMINERS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–718. *WARNER v. HILLSBOROUGH COUNTY SCHOOL BOARD*. C. A. 11th Cir. Certiorari denied.

No. 24–799. *HANH HO TRAN v. PARKWAY CONDOMINIUMS I HOMEOWNERS ASSN. INC.* Ct. App. Colo. Certiorari denied.

No. 24–812. *GRIZZELL, ON BEHALF OF HER MINOR CHILDREN v. SAN ELIJO ELEMENTARY SCHOOL ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–852. *RODEMAKER v. CITY OF VALDOSTA BOARD OF EDUCATION ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–853. *WILSON v. IDAHO*. Ct. App. Idaho. Certiorari denied.

No. 24–884. *LEXINGTON INSURANCE CO. ET AL. v. SUQUAMISH TRIBE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–887. *MOATS, SHERIFF, POLK COUNTY, GEORGIA, ET AL. v. JARRARD*. C. A. 11th Cir. Certiorari denied.

No. 24–906. *LEXINGTON INSURANCE CO. v. MUELLER, JUDGE, CABAZON RESERVATION COURT, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–973. *SAVAGE v. HENRY COUNTY SCHOOL DISTRICT*. C. A. 11th Cir. Certiorari denied.

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No. 24–978. *HOCHENDONER v. KING, EXECUTOR OF THE ESTATE OF KING*. Super. Ct. Pa. Certiorari denied.

No. 24–979. *LEGACY RECOVERY SERVICES, LLC, DBA LEGACY HOUSE, ET AL. v. CITY OF MONROE, LOUISIANA, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–984. *HORSEY v. AMERICAN FINANCE, LLC*. Sup. Ct. Del. Certiorari denied.

No. 24–988. *VASQUEZ v. SUPERIOR COURT OF CALIFORNIA, TULARE COUNTY, ET AL.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 24–990. *ELMENDORF-STEELE v. MICHIGAN*. Cir. Ct. Berrien County, Mich. Certiorari denied.

No. 24–997. *DOYLE, DBA ROCKY MOUNTAIN VENTURES ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied.

No. 24–1003. *BROOK, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF BROOK v. RUOTOLO ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–1010. *WEITZMAN v. COMMITTEE ON GRIEVANCES FOR THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 24–1017. *LINDSEY, MICHIGAN STATE SENATOR, ET AL. v. WHITMER, GOVERNOR OF MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–1023. *RAY v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–1035. *OMNI HEALTHCARE, INC. v. U. S. ONCOLOGY, INC.* C. A. 2d Cir. Certiorari denied.

No. 24–1057. *PEOPLES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 24–1071. *ANGEL GARCIA v. NEW MEXICO ET AL.* Certiorari denied.

No. 24–1075. *SANDERS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

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No. 24–1085. *DEMAREST v. TOWN OF UNDERHILL, VERMONT, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–1091. *KIELY ET AL. v. FAGON, ADMINISTRATOR OF THE ESTATE OF DOWDELL.* C. A. 2d Cir. Certiorari denied.

No. 24–6177. *ALFONSO v. UNITED STATES*; and

No. 24–6691. *ROSARIO-ROJAS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 24–6203. *PEREZ-GARCIA ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 24–6297. *SHERMAN v. BEAN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6312. *RICH v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 24–6364. *CROMWELL v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 24–6468. *HOUSTON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 24–6500. *A. N. v. LOUISIANA DEPARTMENT OF CHILDREN AND FAMILY SERVICES.* Ct. App. La., 1st Cir. Certiorari denied.

No. 24–6516. *MITCHELL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 24–6517. *JACKSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 24–6541. *GRANGER v. GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 24–6623. *FRENCH v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 24–6723. *MORGAN v. SASSYA.* Ct. App. Ohio, 11th App. Dist., Trumbull County. Certiorari denied.

No. 24–6724. *MALTESE v. HEASTIE, SPEAKER OF THE NEW YORK STATE ASSEMBLY, ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 24–6732. *GELSINGER v. WALKER*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 24–6733. *SCOTT v. MAISOS*. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 24–6734. *TAYLOR-LOPER v. SAM’S CLUB/WALMART ASSOCIATES, INC., ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6739. *SMITH v. OHIO*. Ct. App. Ohio, 2d App. Dist., Montgomery County. Certiorari denied.

No. 24–6742. *HARRIS v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–6754. *EDNER v. MINNESOTA ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–6755. *PARKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6756. *SARGENT v. TEXAS*. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 24–6758. *BRIONES v. TEXAS*. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 24–6759. *MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6760. *WILLIAMS v. PARIKH, CLERK, HAMILTON COUNTY, OHIO, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–6762. *DALTON v. LACAYO*. C. A. 4th Cir. Certiorari denied.

No. 24–6765. *THOMAS v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 24–6768. *SMITH v. GONZALEZ*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 24–6769. *BACOT, AKA PRICE, AKA CONERLY v. DEUTSCHE BANK NATIONAL TRUST CO., AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS-THROUGH*

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CERTIFICATES, SERIES 2005–R4. Ct. App. La., 4th Cir. Certiorari denied.

No. 24–6770. SMITH *v.* VALDEZ. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 24–6771. BLACHER *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 24–6773. DANIELS *v.* PENNSYLVANIA PAROLE BOARD. Commw. Ct. Pa. Certiorari denied.

No. 24–6783. DINNERSTEIN *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied.

No. 24–6785. SHARP *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 24–6786. SMITH *v.* HORTA. Sup. Ct. Fla. Certiorari denied.

No. 24–6787. REED *v.* DELAWARE. Sup. Ct. Del. Certiorari denied.

No. 24–6788. ANDERSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 24–6792. KOUYATE *v.* BONDI, ATTORNEY GENERAL. C. A. 4th Cir. Certiorari denied.

No. 24–6793. DISMORE *v.* KENTUCKY PAROLE BOARD ET AL. Ct. App. Ky. Certiorari denied.

No. 24–6794. HAYNES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 24–6800. SHERMAN *v.* SOLVAY USA, INC., ET AL. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 24–6801. WEST *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 24–6805. HOLLINS *v.* MALDONADO, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 24–6806. LEWIS *v.* WILMINGTON SAVINGS FUND SOCIETY. Super. Ct. Pa. Certiorari denied.

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No. 24–6811. *PENNINGTON v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 24–6833. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6856. *HAWTHORNE v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 24–6873. *ANDERSON v. GENERAL MOTORS LLC*. C. A. 3d Cir. Certiorari denied.

No. 24–6876. *PETERS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–6884. *VITASEK v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6890. *EMANUEL v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 24–6917. *ADAMS v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 24–6937. *WEIMER v. MONTANA*. Sup. Ct. Mont. Certiorari denied.

No. 24–6950. *SCOTT v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 24–6951. *HERRIOTT v. SOUTH CAROLINA*. Ct. App. S. C. Certiorari denied.

No. 24–6961. *PIERRE-PAUL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6962. *SPELLMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6972. *STITTS v. ELLER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 24–6976. *AGUSTIN-SIMON, AKA SANCHEZ-MENDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 24–6978. *SHERWOOD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 24–6979. *HEARNS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6980. *ROLLING v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6981. *FELIX-VARGAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6987. *MAYBERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6990. *KILGORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6992. *NIKPARVAR-FARD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–6994. *SHERMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–7001. *OWENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7003. *HARRIS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 24–7009. *HARRIS v. ROSS ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–7011. *TURNER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 24–7012. *MCCRAY v. MIAMI DADE COUNTY PUBLIC SCHOOLS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–7018. *KING v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–7020. *GONZALEZ-SILVA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7024. *FULCHER v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

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No. 24–7035. *DERONVILLE v. HESTERS, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 24–7157 (24A1077). *RITCHIE v. INDIANA*. Sup. Ct. Ind. Application for stay of execution of sentence of death, presented to JUSTICE BARRETT, and by her referred to the Court, denied. Certiorari denied.

No. 24–7236 (24A1109). *RITCHIE v. NEAL, WARDEN*. C. A. 7th Cir. Application for stay of execution of sentence of death, presented to JUSTICE BARRETT, and by her referred to the Court, denied. Certiorari denied. JUSTICE SOTOMAYOR and JUSTICE JACKSON would grant the application for stay of execution of sentence of death and petition for writ of certiorari.

Rehearing Denied

No. 24–661. *RYNN v. FIRST TRANSIT INC. ET AL.*, 604 U. S. 1126;

No. 24–662. *RYNN, NEXT FRIEND AND PARENT OF M. R., A MINOR v. MCKAY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE DIRECTOR OF THE ARIZONA DEPARTMENT OF CHILD SAFETY, ET AL.*, 604 U. S. 1126;

No. 24–727. *CENTERVILLE CLINICS INC. v. DOE*, 604 U. S. 1211;

No. 24–751. *RTSKHILADZE v. DEPARTMENT OF JUSTICE ET AL.*, 604 U. S. 1211;

No. 24–824. *RUTLAND v. REGIONS BANK, AS TRUSTEE OF THE WILLIAM HUNTER RUTLAND FAMILY TRUST*, 604 U. S. 1212;

No. 24–5319. *GOUGHER v. UNITED STATES*, 604 U. S. 968;

No. 24–6205. *BRUCE v. WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST C, ET AL.*, 604 U. S. 1132;

No. 24–6278. *IN RE CADET*, 604 U. S. 1209;

No. 24–6311. *BUTLER ET AL. v. HARRY, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.*, 604 U. S. 1136;

No. 24–6335. *FARMER v. UNITED STATES*, 604 U. S. 1137;

No. 24–6577. *CUNNINGHAM v. UNITED STATES POSTAL SERVICE ET AL.*, 604 U. S. 1218; and

No. 24–6592. *MATTISON v. DEPARTMENT OF VETERANS AFFAIRS*, 604 U. S. 1234. Petitions for rehearing denied.

No. 24–6213. *SIMMONS v. CONSUMER ASSISTANCE GROUP ET AL.*, 604 U. S. 1182. Petition for rehearing denied. JUSTICE

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

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Miscellaneous Order

No. 24A1051. LIBBY ET AL. *v.* FECTEAU, SPEAKER OF THE MAINE HOUSE OF REPRESENTATIVES, ET AL. C. A. 1st Cir. Application for injunction pending appeal, presented to JUSTICE JACKSON, and by her referred to the Court, granted pending disposition of the appeal in the United States Court of Appeals for the First 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 of certiorari is granted, the order shall terminate upon the sending down of the judgment of this Court. JUSTICE SOTOMAYOR would deny the application.

JUSTICE JACKSON, dissenting.

I would deny the application.

These applicants seek an injunction pending appeal. “The All Writs Act, 28 U. S. C. § 1651(a), is the only source of this Court’s authority to issue [such] an injunction.” *Turner Broadcasting System, Inc. v. FCC*, 507 U. S. 1301, 1303 (1993) (Rehnquist, C. J., in chambers). And under our well-established rules, relief of this sort “is not a matter of right, but of discretion sparingly exercised.” Supreme Court Rule 20.1. We have long recognized that this injunctive relief is appropriate only when “critical and exigent circumstances” exist necessitating intervention “in aid of [our] jurisdictio[n],” and the applicants’ entitlement to relief is “indisputably clear.” *Wisconsin Right to Life, Inc. v. Federal Election Comm’n*, 542 U. S. 1305, 1306 (2004) (Rehnquist, C. J., in chambers) (internal quotation marks omitted). In my view, these applicants have not met this high bar.

First, the applicants have failed to show that there exist “critical and exigent circumstances” necessitating intervention “in aid of [our] jurisdictio[n],” *ibid.*—what I have elsewhere called a “line-jumping justification,” *Labrador v. Poe*, 601 U. S. 1110, 1130 (2024) (opinion dissenting from grant of stay). The First Circuit is moving quickly to evaluate the legal issues this case presents, with oral argument scheduled to occur in a few weeks. Meanwhile, before us, the applicants have not asserted that there are any significant legislative votes scheduled in the upcoming weeks; that

there are any upcoming votes in which Libby's participation would impact the outcome; or that they will otherwise suffer any concrete, imminent, and significant harm while the lower court considers this matter.

Second, the applicants have not satisfied our normal certiorari factors, such as demonstrating the need to resolve a circuit split. Supreme Court Rule 10. Instead, they request highly fact-specific error correction concerning a question of first impression that is unlikely to recur. We have long recognized that, to avoid end runs around the ordinary certiorari process, emergency relief should not be granted if the Court would have been unlikely to grant review of the matter in any event. See *Hollingsworth v. Perry*, 558 U. S. 183, 190 (2010) (*per curiam*); *Doe v. Mills*, 595 U. S. 1029 (2021) (BARRETT, J., concurring in denial of application for injunctive relief). Denying emergency relief in a case that does not satisfy the usual certiorari factors also avoids creating perverse incentives to seek our intervention prematurely—why would any applicant who thinks the lower courts are mistaken wait for those courts' final word on an issue if real-time error correction via our emergency docket is readily available?

Third, these applicants have failed to demonstrate that their right to this relief is “indisputably clear.” *Wisconsin Right to Life*, 542 U. S., at 1306. The Rules of the Maine House of Representatives—adopted by the 132d Maine Legislature long before the events at issue here took place—contemplate stripping a legislative member of the ability to vote as a sanction for certain ethical violations. See 784 F. Supp. 3d 272, 275 (Me. Apr. 18, 2025). The House determined that Representative Libby violated those rules, thereby triggering this sanction, when she engaged in behavior that a majority of the House determined “may endanger [a] minor.” H. Res. in No. 1:25-cv-83 (D Me., Apr. 1, 2025), ECF Doc. 29–4, p. 1.

Whether the House's censure and resulting sanction violate Libby's constitutional rights, or those of her constituents, raises many difficult questions. What are the limits on a state legislature's ability to bind its members to ethics rules? Do federal courts have the authority to determine that those rules are improper? Does it violate a representative's First Amendment rights to be subject to sanction under such rules, and does it make a difference what the sanction is? What rights does the Federal Constitution give constituents to override the enforcement of ethics rules of

their state legislature? Does a federal court have the power to enjoin state representatives from enforcing a state legislature's ethics rules? And may the court enjoin legislative employees from carrying out the will of the state legislature with respect to that enforcement?

This Court has neither addressed nor answered most of these questions. See, e.g., *Houston Community College System v. Wilson*, 595 U.S. 468, 482–483 (2022) (declining to consider whether a censure accompanied by punishment could constitute First Amendment retaliation). Others implicate tensions in our precedent that lack an obvious resolution. Compare *Powell v. McCormack*, 395 U.S. 486, 504–506 (1969) (legislative immunity does not bar suit against nonrepresentative employees), with *Gravel v. United States*, 408 U.S. 606, 618 (1972) (legislative immunity extends to acts of nonlegislators “insofar as the conduct of the [employee] would be a protected legislative act if performed by the Member himself”).

It is certainly possible that the applicants have the better of the arguments on the merits of their claims. But in the absence of binding precedent on any of these issues, their right to relief is not clear, let alone indisputably so.

* * *

Not very long ago, this Court treaded carefully with respect to exercising its equitable power to issue injunctive relief at the request of a party claiming an emergency. The opinions are legion in which individual Justices, reviewing such requests in chambers, declined to intervene—reiterating that “such power should be used sparingly and only in the most critical and exigent circumstances.” *Williams v. Rhodes*, 89 S. Ct. 1, 2, 21 L. Ed. 2d 69 (1968) (Stewart, J., in chambers); see also *Ohio Citizens for Responsible Energy, Inc. v. NRC*, 479 U.S. 1312, 1313 (1986) (Scalia, J., in chambers); *South Bay United Pentecostal Church v. Newsom*, 590 U.S. 965, 966 (2020) (ROBERTS, C. J., concurring in denial of application for injunctive relief).

Those days are no more. Today's Court barely pauses to acknowledge these important threshold limitations on the exercise of its own authority. It opts instead to dole out error correction as it sees fit, regardless of the lack of any exigency and even when the applicants' claims raise significant legal issues that warrant

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thorough evaluation by the lower courts that are dutifully considering them.

I think this clear departure from past practice is both inequitable and unwise. For one thing, the Court's failure to articulate clear standards for when emergency relief is appropriate makes it difficult to confidently conclude that any such standards are actually being referenced and applied evenhandedly. Cf. *Merrill v. Milligan*, 595 U.S. 1197, 1212 (2022) (KAGAN, J., dissenting from grant of applications for stays) (observing that our ordinary appellate processes “serve both to constrain and to legitimate the Court’s authority”). Also, as a practical matter, it is plainly prudent to reserve our emergency docket for applicants who demonstrate that they truly *need* our help *now*. In the absence of that showing, we can, and should, allow even applicants with credible merits claims to litigate their arguments in the lower courts before we get involved. Cf. *Cutter v. Wilkinson*, 544 U.S. 709, 718, n. 7 (2005) (demonstrating that, at least sometimes, we opt to proceed as if “we are a court of review, not of first view”).

The watering down of our Court’s standards for granting emergency relief is, to me, an unfortunate development. After all, the manner in which we handle emergency applications—“on a short fuse without benefit of full briefing and oral argument,” *Doe*, 595 U.S., at 1029 (opinion of BARRETT, J.)—is hardly a model for sound decisionmaking. At the very least, by lowering the bar for granting emergency relief, the Court itself will bear responsibility for the resulting systemic disruption, as a surge in requests for our “extraordinary” intervention—at earlier and earlier stages of ongoing lower court proceedings, and with greater and greater frequency—will undoubtedly follow.

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Dismissal Under Rule 46

No. 24–1013. IN RE ANTONACCI. Petition for writ of mandamus dismissed under this Court’s Rule 46.

Miscellaneous Order

No. 24A966. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. v. WILCOX ET AL. C. A. D. C. Cir. The Government has applied for a stay of orders from the District Court for the District of Columbia enjoining the President’s removal of a member

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of the National Labor Relations Board (NLRB) and a member of the Merit Systems Protection Board (MSPB), respectively. The President is prohibited by statute from removing these officers except for cause, and no qualifying cause was given. See 29 U. S. C. § 153(a); 5 U. S. C. § 1202(d).

The application for stay presented to THE CHIEF JUSTICE and by him referred to the Court is granted. Because the Constitution vests the executive power in the President, see Art. II, § 1, cl. 1, he may remove without cause executive officers who exercise that power on his behalf, subject to narrow exceptions recognized by our precedents, see *Seila Law LLC v. Consumer Financial Protection Bureau*, 591 U. S. 197, 215–218 (2020). The stay reflects our judgment that the Government is likely to show that both the NLRB and MSPB exercise considerable executive power. But we do not ultimately decide in this posture whether the NLRB or MSPB falls within such a recognized exception; that question is better left for resolution after full briefing and argument. The stay also reflects our judgment that the Government faces greater risk of harm from an order allowing a removed officer to continue exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty. See *Trump v. International Refugee Assistance Project*, 582 U. S. 571, 580 (2017) (*per curiam*) (“The purpose of . . . interim equitable relief is not to conclusively determine the rights of the parties, but to balance the equities as the litigation moves forward.” (citation omitted)). A stay is appropriate to avoid the disruptive effect of the repeated removal and reinstatement of officers during the pendency of this litigation.

Finally, respondents Gwynne Wilcox and Cathy Harris contend that arguments in this case necessarily implicate the constitutionality of for-cause removal protections for members of the Federal Reserve’s Board of Governors or other members of the Federal Open Market Committee. See Response of Wilcox in Opposition to Application for Stay 2–3, 27–28; Response of Harris in Opposition to Application for Stay 3, 5–6, 16–17, 36, 40. We disagree. The Federal Reserve is a uniquely structured, quasi-private entity that follows in the distinct historical tradition of the First and Second Banks of the United States. See *Seila Law*, 591 U. S., at 222, n. 8.

The March 4, 2025, order of the United States District Court for the District of Columbia, No. 25–cv–412, ECF Doc. 39, and the March 6, 2025, order of the United States District Court for

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the District of Columbia, No. 25–cv–334, ECF Doc. 34, are stayed pending the disposition of the appeal in the United States Court of Appeals for the District of Columbia Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

JUSTICE KAGAN, with whom JUSTICE SOTOMAYOR and JUSTICE JACKSON join, dissenting.

For 90 years, *Humphrey's Executor v. United States*, 295 U. S. 602 (1935), has stood as a precedent of this Court. And not just any precedent. *Humphrey's* undergirds a significant feature of American governance: bipartisan administrative bodies carrying out expertise-based functions with a measure of independence from presidential control. The two such agencies involved in this application are the National Labor Relations Board (NLRB) and Merit Systems Protection Board (MSPB). But there are many others—among them, the Federal Communications Commission (FCC), Federal Trade Commission (FTC), and Federal Reserve Board. Congress created them all, though at different times, out of one basic vision. It thought that in certain spheres of government, a group of knowledgeable people from both parties—none of whom a President could remove without cause—would make decisions likely to advance the long-term public good. And that congressional judgment, *Humphrey's* makes clear, creates no conflict with the Constitution. Rejecting a claim that the removal restriction enacted for the FTC interferes with “the executive power,” the *Humphrey's* Court held that Congress has authority, in creating such “quasi-legislative or quasi-judicial” bodies, to “forbid their [members’] removal except for cause.” *Id.*, at 626, 629. Indeed, that conclusion “cannot well be doubted.” *Id.*, at 629; see also *Wiener v. United States*, 357 U. S. 349 (1958) (reaffirming *Humphrey's*).

The current President believes that *Humphrey's* should be either overruled or confined. See Application 14; Letter from S. Harris, Acting Solicitor General, to Rep. J. Raskin, Re: Restrictions on the Removal of Certain Principal Officers of the United States (Feb. 12, 2025). And he has chosen to act on that belief—really, to take the law into his own hands. Not since the 1950s (or even before) has a President, without a legitimate reason,

tried to remove an officer from a classic independent agency—a multi-member, bipartisan commission exercising regulatory power whose governing statute contains a for-cause provision. Yet now the President has discharged, concededly without cause, several such officers, including a member of the NLRB (Gwynne Wilcox) and a member of the MSPB (Cathy Harris). Today, this Court effectively blesses those deeds. I would not. Our *Humphrey*’s decision remains good law, and it forecloses both the President’s firings and the Court’s decision to award emergency relief.

Our emergency docket, while fit for some things, should not be used to overrule or revise existing law. We consider emergency applications “on a short fuse without benefit of full briefing and oral argument”; and we resolve them without fully (or at all) stating our reasons. *Doe v. Mills*, 595 U.S. 1029 (2021) (BARRETT, J., concurring in denial of application for injunctive relief). It is one thing to grant relief in that way when doing so vindicates established legal rights, which somehow the courts below have disregarded. It is a wholly different thing to skip the usual appellate process when issuing an order that itself changes the law. See, e.g., *Netchoice, LLC v. Paxton*, 596 U.S. 977, 978 (2022) (ALITO, J., dissenting from grant of application to vacate stay) (demanding that an applicant for relief have a good claim “under existing law”); *Merrill v. Milligan*, 595 U.S. 1197, 1202 (2022) (ROBERTS, C. J., dissenting from grant of applications for stays) (same); *id.*, at 1203 (KAGAN, J., dissenting from grant of applications for stays) (same). And nowhere is short-circuiting our deliberative process less appropriate than when the ruling requested would disrespect—by either overturning or narrowing—one of this Court’s longstanding precedents, like our nearly century-old *Humphrey*’s decision.

Under that decision, this case is easy, as the courts below found: The President has no legal right to relief. Congress, by statute, has protected members of the NLRB and MSPB (like Wilcox and Harris) from Presidential removal except for good cause. See 29 U.S.C. § 153(a) (permitting removal only for “neglect of duty or malfeasance in office”); 5 U.S.C. § 1202(d) (permitting removal only for “inefficiency, neglect of duty, or malfeasance in office”). And, again, *Humphrey*’s instructs that Congress can do so without offending the Constitution. Just like the agency at issue there (the FTC), the NLRB and MSPB are multi-member bodies

of experts, balanced along partisan lines, with “quasi-legislative or quasi-judicial” (not “purely executive”) functions. *Humphrey’s*, 295 U. S., at 628, 631; see *Seila Law LLC v. Consumer Financial Protection Bureau*, 591 U. S. 197, 204, 216–217 (2020). So both fit securely within the ambit of *Humphrey’s*—as no one in the history of either agency has ever doubted. That means to fire their members, the President—under existing law—needs good cause, which he admits he does not have. The only way out of that box is to upend *Humphrey’s*.

For that reason, the majority’s order granting the President’s request for a stay is nothing short of extraordinary. That order consents to the President’s (statutorily barred) removal of the NLRB and MSPB Commissioners, at least until we decide their suits on the merits. And so the order allows the President to overrule *Humphrey’s* by fiat, again pending our eventual review. This Court often reminds other judges that if one of our precedents “has direct application in a case,” they must follow it, even if they dislike it—“leaving to this Court the prerogative of overruling its own decisions.” *Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U. S. 477, 484 (1989). In keeping with that directive, lower courts recently faced with challenges to independent agencies’ removal provisions have uniformly rejected them based on *Humphrey’s*. See, e. g., *Consumers’ Research v. Consumer Product Safety Comm’n*, 91 F. 4th 342, 346 (CA5 2024) (Willett, J.) (“As middle-management circuit judges, we must follow binding precedent,” which *Humphrey’s* remains); *Leachco, Inc. v. Consumer Product Safety Comm’n*, 103 F. 4th 748, 760–763 (CA10 2024) (similar); *Meta Platforms, Inc. v. FTC*, 2024 WL 1549732, *2 (CA DC, Mar. 29, 2024) (*per curiam*) (similar). It should go without saying that the President must likewise follow existing precedent, however strong he thinks the arguments against it—unless and until he convinces us to reject what we previously held. Yet here the President fired the NLRB and MSPB Commissioners in the teeth of *Humphrey’s*, betting that this Court would acquiesce. And the majority today obliges—without so much as mentioning *Humphrey’s*.

The majority’s explanation of its action unfolds in two parts, neither rising to the occasion.

The first gestures toward the merits, but in a most unusual and unedifying way. Our normal (invariable?) practice is to grant a stay pending appeal only when we decide the applicant is likely

to succeed on the merits. See, e.g., *Hollingsworth v. Perry*, 558 U. S. 183, 190 (2010) (*per curiam*). But the majority's order purports not to reach that conclusion. According to the majority, the President may remove without cause officers exercising executive power, "subject to narrow exceptions recognized by our precedents." *Ante*, at 923. The majority will not say the name of the relevant precedent, but one of those "exceptions" of course comes from *Humphrey's*. See *Seila Law*, 591 U. S., at 204, 215–217. The question thus becomes: Does *Humphrey's* protect the NLRB and MSPB Commissioners? Well, the majority says, those officers likely exercise "considerable executive power"; but whether they fall within "a recognized exception"—i.e., *Humphrey's*—is better left for the future. *Ante*, at 923. So the majority's order just restates the question this case raises—despite the need to give a preliminary answer before ordering relief. Unless . . . unless the majority thinks it has provided a hint. Maybe by saying that the Commissioners exercise "considerable" executive power, the majority is suggesting that they cannot fall within the *Humphrey's* "exception." But if that is what the majority means, then it has foretold a massive change in the law—reducing *Humphrey's* to nothing and depriving members of the NLRB, MSPB, and many other independent agencies of tenure protections. And it has done so on the emergency docket, with little time, scant briefing, and no argument.

The second part of the majority's explanation, focusing on what we typically call the balance of equities, in no way compensates for the first's failures. Here, the majority reasons that a stay is justified because the interests at stake are lopsided. "[T]he Government," it declares, "faces greater risk of harm from an order allowing a removed officer to continue exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty." *Ante*, at 923. But that statement misapprehends, on both sides, what this case involves.

On the latter side, the relevant interest is not the "wrongfully removed officer[s]," but rather Congress's and, more broadly, the public's. What matters, in other words, is not that Wilcox and Harris would love to keep serving in their nifty jobs. What matters instead is that Congress provided for them to serve their full terms, protected from a President's desire to substitute his political allies. See *Wiener*, 357 U. S., at 354. Or differently put, the interest at stake is in maintaining Congress's idea of independent

agencies: bodies of specialists balanced along partisan lines, which will make sound judgments precisely because not fully controlled by the White House. Even without *Humphrey's*, this Court would have to give respect, in balancing equities, to Congress's expression of that idea in legislation. See *Turner Broadcasting System, Inc. v. FCC*, 507 U. S. 1301, 1302 (1993) (Rehnquist, C. J., in chambers) (Acts of Congress "should remain in effect pending a final decision on the merits by this Court"); *Walters v. National Assn. of Radiation Survivors*, 468 U. S. 1323, 1324 (1984) (Rehnquist, J., in chambers) ("The presumption of constitutionality which attaches to every Act of Congress" is "an equity to be considered" in the stay analysis). And of course the Court is not without *Humphrey's*, which already approved the kind of removal restrictions at issue here. Given that decision—and the near-century of administrative practice that has followed—the majority has no excuse for so misidentifying the interest that cuts against unconstrained removal. It is, again, the interest in the NLRB, MSPB, and all their ilk working as Congress intended them to, on the view that a measure of independence would serve the public good.

And on the former side of the balance, the majority distorts and overstates the interest in preventing Wilcox and Harris from continuing in office. That interest, to begin with, is not "the Government[']s," *ante*, at 923, but only the President's. Congress, after all, is also part of the Government, and (as just noted) its equities lie in preserving the legislation it has enacted to limit removals. And as to the President's interest in firing Wilcox and Harris, the majority gives it more weight than it has borne in almost a century. Between *Humphrey's* and now, 14 different Presidents have lived with Congress's restrictions on firing members of independent agencies. No doubt many would have preferred it otherwise. But can it really be said, after all this time, that the President has a crying need to discharge independent agency members right away—before this Court (surely next Term) decides the fate of *Humphrey's* on the merits? The impatience to get on with things—to *now* hand the President the most unitary, meaning also the most subservient, administration since Herbert Hoover (and maybe ever)—must reveal how that eventual decision will go. In valuing so highly—in an emergency posture—the President's ability to fire without cause Wilcox and Har-

ris and everyone like them, the majority all but declares *Humphrey's* itself the emergency.*

Except apparently for the Federal Reserve. The majority closes today's order by stating, out of the blue, that it has no bearing on "the constitutionality of for-cause removal protections" for members of the Federal Reserve Board or Open Market Committee. *Ante*, at 923. I am glad to hear it, and do not doubt the majority's intention to avoid imperiling the Fed. But then, today's order poses a puzzle. For the Federal Reserve's independence rests on the same constitutional and analytic foundations as that of the NLRB, MSPB, FTC, FCC, and so on—which is to say it rests largely on *Humphrey's*. So the majority has to offer a different story: The Federal Reserve, it submits, is a "uniquely structured" entity with a "distinct historical tradition"—and it cites for that proposition footnote 8 of this Court's opinion in *Seila Law*. *Ante*, at 923 (citing 591 U.S., at 222, n. 8). But—sorry—footnote 8 provides no support. Its only relevant sentence rejects an argument made in the dissenting opinion "even assuming [that] financial institutions like the Second Bank and Federal Reserve can claim a special historical status." And so an assumption made to humor a dissent gets turned into some kind of holding. Because one way of making new law on the emergency docket (the deprecation of *Humphrey's*) turns out to require yet another (the creation of a bespoke Federal Reserve exception). If the idea is to reassure the markets, a simpler—and more judicial—approach would have been to deny the President's application for a stay on the continued authority of *Humphrey's*.

"To avoid an arbitrary discretion in the courts," Hamilton wrote, "it is indispensable that they should be bound down by strict rules and precedents." Federalist No. 78, p. 529 (J. Cooke ed. 1961). Today's order, however, favors the President over our precedent; and it does so unrestrained by the rules of briefing and argument—and the passage of time—needed to discipline our

*The majority also justifies its stay on the ground that it will "avoid the disruptive effect of the repeated removal and reinstatement of officers during the pendency of this litigation." *Ante*, at 923. But that reason, too, gives the ultimate game away. As this case came to us, Wilcox and Harris had been reinstated to their positions, by the combined rulings of the district and appellate courts. So by re-removing them, the majority's order itself causes disruption—except, of course, if that order presumes or implies that they will be re-removed next Term anyway.

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decision-making. I would deny the President's application. I would do so based on the will of Congress, this Court's seminal decision approving independent agencies' for-cause protections, and the ensuing 90 years of this Nation's history. Respectfully, I dissent.

MAY 23, 2025

Miscellaneous Order

No. 24A1099. GRAHAM, WARDEN, ET AL. *v.* SWEENEY. C. A. 4th Cir. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

MAY 27, 2025

Certiorari Granted—Vacated and Remanded

No. 23–7541. BARNES *v.* FELIX ET AL. C. A. 5th 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 *Barnes v. Felix*, 605 U. S. 73 (2025). Reported below: 91 F. 4th 393.

No. 24–616. BAUER *v.* MARKS. C. A. 8th Cir. Motion of International Municipal Lawyers Association for leave to file brief as *amicus curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Barnes v. Felix*, 605 U. S. 73 (2025). Reported below: 107 F. 4th 840.

Certiorari Dismissed

No. 24–6820. LETTIERI *v.* BROOME COUNTY SHERIFFS ET AL. 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. 24–6975. WHATLEY *v.* T-MOBILE USA, INC. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 24M87. MENDOZA, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF HOYOS MARTINEZ *v.* RUSH TRUCK CENTERS OF TEXAS, L. P., DBA RUSH ENTERPRISES, INC., AKA RUSH TRUCK

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CENTER-EL PASO. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 24M88. *HILL v. UNITED STATES*. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 24–724. *HAIN CELESTIAL GROUP, INC., ET AL. v. PALMQUIST, INDIVIDUALLY AND AS NEXT FRIEND OF E. P., A MINOR, ET AL.* C. A. 5th Cir. [Certiorari granted, 604 U. S. 1267.] Motion of petitioners to dispense with printing joint appendix granted.

No. 24–856. *CISCO SYSTEMS, INC., ET AL. v. DOE ET AL.* The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 24–5774. *BARRETT v. UNITED STATES*. C. A. 2d Cir. [Certiorari granted, 604 U. S. 1174.] Motion of petitioner to dispense with printing joint appendix granted.

No. 24–7110. *IN RE COLWELL*; and

No. 24–7134. *IN RE WILSON*. Petitions for writs of habeas corpus denied.

No. 24–6840. *IN RE AKOUE*; and

No. 24–6844. *IN RE GEORGE*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 24–556. *FERNANDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari granted limited to the following question: “Whether a combination of ‘extraordinary and compelling reasons’ that may warrant a discretionary sentence reduction under 18 U. S. C. § 3582(c)(1)(A) can include reasons that may also be alleged as grounds for vacatur of a sentence under 28 U. S. C. § 2255.” Reported below: 104 F. 4th 420.

Certiorari Denied

No. 24–784. *ARCH RESOURCES, INC., FKA ARCH COAL, ET AL. v. PENNINGTON, ACTING DIRECTOR, OFFICE OF WORKERS’ COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 24–865. *FORTIN v. DUDEK, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied.

No. 24–866. *CONVERTER MANUFACTURING, LLC v. TEKNI-PLEX, INC.* C. A. Fed. Cir. Certiorari denied.

No. 24–868. *ART AND ANTIQUE DEALERS LEAGUE OF AMERICA, INC., ET AL. v. LEFTON, ACTING COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–874. *KELLEY, AS THE TRUSTEE OF THE BMO LITIGATION TRUST v. BMO HARRIS BANK N. A., AS SUCCESSOR TO M&I MARSHALL AND ILSLEY BANK*. C. A. 8th Cir. Certiorari denied.

No. 24–902. *HAMILTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–953. *LERNER & ROWE PC v. BROWN ENGSTRAND & SHELY LLC, DBA ACCIDENT LAW GROUP, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–1002. *FUSTOLO v. PATRIOT GROUP, LLC*. App. Ct. Mass. Certiorari denied.

No. 24–1005. *YOUNG v. WIAND, AS RECEIVER FOR OASIS INTERNATIONAL GROUP LTD., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–1006. *ANTOINE v. OXMOOR PRESERVATION/ONE, LLC*. Ct. Civ. App. Ala. Certiorari denied.

No. 24–1007. *AYERS v. MARKIEWICZ ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–1008. *RIZZO v. COLLINS, SECRETARY OF VETERANS AFFAIRS*. C. A. 6th Cir. Certiorari denied.

No. 24–1012. *PHILADELPHIA INDEMNITY INSURANCE CO. v. O’LEARY ET AL.* Sup. Ct. Mont. Certiorari denied.

No. 24–1014. *ORTIZ ROMERO v. PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY ET AL.* C. A. 1st Cir. Certiorari denied.

No. 24–1019. *KANAM v. BURGUM, SECRETARY OF THE INTERIOR, ET AL.* C. A. D. C. Cir. Certiorari denied.

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No. 24–1029. *HARRIS v. DEPARTMENT OF TRANSPORTATION, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 24–1038. *PATEL v. LONG ISLAND UNIVERSITY.* C. A. 2d Cir. Certiorari denied.

No. 24–1045. *CITY OF LOS ANGELES, CALIFORNIA v. PIMENTEL ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–1076. *SIGLEY v. ND FAIRMONT LLC.* C. A. 4th Cir. Certiorari denied.

No. 24–1101. *BAHREMAN v. ALLEGIANT AIR, LLC, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–1103. *GLICK v. AMERICAN BAR ASSN.* C. A. 5th Cir. Certiorari denied.

No. 24–6158. *BRANNAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 24–6300. *GUTIERREZ v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 24–6791. *WASHINGTON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 24–6808. *MAHOMES v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 24–6809. *MUHAMMAD v. LONE STAR FUNDS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 24–6825. *DOE v. DWOSH.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 24–6828. *STRONG v. BUESGEN, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 24–6829. *DASLER v. KNAPP, FKA DASLER.* Sup. Ct. Vt. Certiorari denied.

No. 24–6832. *BOYD v. LAY, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–6834. *CONLEY v. SCHULT.* C. A. 7th Cir. Certiorari denied.

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No. 24–6835. *SHELTON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 24–6843. *TOWNSEND v. SPATNY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 24–6846. *GEORGE v. U. S. BANK N. A., AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST*. Ct. App. D. C. Certiorari denied.

No. 24–6851. *HARNED v. OFFICE OF THE CLERK, SUPERIOR COURT OF FULTON COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–6852. *DIAZ v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied.

No. 24–6853. *SINKEVITCH v. MILLER, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 24–6854. *CARTER v. GENESIS ALKALI LLC ET AL.* C. A. 10th Cir. Certiorari denied.

No. 24–6857. *HERTA v. SUPERIOR COURT OF CALIFORNIA, SAN DIEGO COUNTY, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 24–6858. *COLVIN v. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA*. Ct. App. D. C. Certiorari denied.

No. 24–6859. *RAY v. PHAMS, WARDEN, ET AL.* Super. Ct. Baldwin County, Ga. Certiorari denied.

No. 24–6860. *SANDERSON v. AGOTNESS, JUDGE, DISTRICT COURT OF NORTH DAKOTA, NORTHEAST JUDICIAL DISTRICT FIVE*. Sup. Ct. N. D. Certiorari denied.

No. 24–6864. *HOUSTON v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 24–6866. *GUZMAN v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 24–6889. *LACOUNT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6906. *MACK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

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No. 24–6919. *ROSADO SANCHEZ v. KALANICK ET AL.* C. A. 1st Cir. Certiorari denied.

No. 24–6940. *LE v. HOOPER, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 24–6944. *ISAACS v. INTERPLEX SUNBELT, INC., ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 24–7004. *NELSON v. NEW YORK CITY TRANSIT AUTHORITY ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–7005. *LASTER v. INDIANA.* Certiorari denied.

No. 24–7037. *SIGUENZA v. GUZMAN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 24–7049. *FIMBRES v. BAILEY, ACTING WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 24–7061. *JONES v. INDIANA.* Certiorari denied.

No. 24–7066. *GARADA v. DISTRICT OF COLUMBIA BOARD OF MEDICINE.* Ct. App. D. C. Certiorari denied.

No. 24–7107. *DUNKLEBERGER v. ILLINOIS.* App. Ct. Ill., 3d Dist. Certiorari denied.

No. 24–7116. *THAYER v. VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES, DCF, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–291. *APACHE STRONGHOLD v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 101 F. 4th 1036.

JUSTICE GORSUCH, with whom JUSTICE THOMAS joins, dissenting.

For centuries, Western Apaches have worshipped at Chf’chil Bildagoteel, or Oak Flat. They consider the site a sacred and “direct corridor to the Creator.” Pet. for Cert. 8. It is a place where tribal members conduct “religious ceremonies that cannot take place elsewhere.” *Ibid.* Recognizing Oak Flat’s significance, the government has long protected both the land and the Apaches’ access to it.

No more. Now, the government and a mining conglomerate want to turn Oak Flat into a massive hole in the ground. To extract copper lying beneath the land, they plan to blast tunnels that will result in a crater perhaps 1,000 feet deep and nearly two miles wide. 101 F. 4th 1036, 1131 (CA9 2024) (en banc) (Murguia, C. J., dissenting). “It is undisputed” that the government’s plan will permanently “destroy the Apaches’ historical place of worship, preventing them from ever again engaging in religious exercise” at Oak Flat. *Id.*, at 1129.

Seeking to halt the destruction of the Apaches’ sacred site, Apache Stronghold, a nonprofit organization, sued under the Religious Freedom Restoration Act of 1993 (RFRA). That law prevents the federal government from “substantially burden[ing] a person’s exercise of religion,” unless that burden represents “the least restrictive means of furthering [a] compelling governmental interest.” 107 Stat. 1488, 42 U. S. C. § 2000bb–1(b)(2). In a sharply divided en banc decision, the Ninth Circuit rejected Apache Stronghold’s challenge. Though the government’s plan will result in the destruction of an ancient sacred site, the Ninth Circuit reasoned, that plan does “not impose a substantial burden on religious exercise.” 101 F. 4th, at 1044 (*per curiam*).

Apache Stronghold asks us to review the Ninth Circuit’s extraordinary conclusion. But the Court today turns aside the group’s request. Respectfully, that is a grave mistake. This case meets every one of the standards we usually apply when assessing petitions for certiorari: The decision below is highly doubtful as a matter of law, it takes a view of the law at odds with those expressed by other federal courts of appeals, and it is vitally important. Before allowing the government to destroy the Apaches’ sacred site, this Court should at least have troubled itself to hear their case.

I

A

Oak Flat is home to “old-growth oak groves, sacred springs, burial locations, and a singular concentration of archaeological sites testifying to its persistent use for the past 1,500 years.” Pet. for Cert. 6. Western Apaches believe that the site is the dwelling place of the Ga’an—“saints” or “holy spirits” that lie at “the very foundation of [their] religion.” App. to Pet. for Cert. 871a. The Ga’an “live and breathe” in Oak Flat. *Ibid.* “They

come from the ground,” and they serve as “messengers between Usen, the Creator, and [Apaches] in the physical world.” *Id.*, at 983a.

Faithful to these beliefs, tribal members have worshipped at Oak Flat for centuries, conducting there a number of religious ceremonies that cannot take place anywhere else. Pet. for Cert. 8. One example, the “Sunrise Ceremony,” is a multiday coming-of-age ceremony for young women. *Ibid.* In the ceremony, a young woman’s “godmother dresses her in the essential tools of becoming a woman, and tribal members surround her with singing, dancing, and prayer.” *Ibid.* (internal quotation marks and alteration omitted).

The ceremony depends on Oak Flat in many ways. It requires the Apache girl coming of age to gather certain plants from Oak Flat—plants Apaches believe to have the “spirit of Chí’chil Bída-goteel.” App. to Pet. for Cert. 975a. The Ga’an later “come from the mountains,” *id.*, at 982a–983a, “enter Apache men called crown dancers,” and “bless the girl,” Pet. for Cert. 10. On the third day of the ceremony, the girl is painted with white clay from the ground at Oak Flat. The clay represents the Apache creation story, in which a “white-painted woman came out of the earth, covered with white ash from the earth’s surface.” App. to Pet. for Cert. 883a. When an Apache girl is painted with the white clay, “[i]t molds her into the woman she is going to be,” and she is “‘imprint[ed]’ with the spirit of Oak Flat.” *Id.*, at 981a–982a; Pet. for Cert. 11. Her godmother wipes the clay from her eyes, and the girl is “reborn,” “transform[ed] into womanhood.” App. to Pet. for Cert. 977a.



Pet. for Cert. 11.

Tribal members believe the destruction of Oak Flat “will close off a portal to the Creator forever and will completely devastate the Western Apaches’ spiritual lifeblood.” 519 F. Supp. 3d 591, 604 (Ariz. 2021). For the women who came of age at Oak Flat in particular, that means their ties to Chí’chil Bildagoteel, and “to all of the [girls] past, present, who have had their Sunrise Ceremony there,” will be severed. App. to Pet. for Cert. 977a. Absent that connection, Apache women say, they “can’t call [them]-selves Apache.” *Ibid.* Without “the spirit of Chí’chil Bildagoteel . . . there’s nothing. There’s nothing at all.” *Id.*, at 984a.

B

Though Oak Flat sits on federal land today, it was not always so. Once, Western Apaches enjoyed a vast territory that em-

braced Oak Flat. See C. Royce, *Indian Land Cessions in the United States*, H. R. Doc. No. 736, 56th Cong., 1st Sess., 922 (1899) (Royce). With time, of course, others laid claim to the land. Among those was the nation of Mexico. For a period, it asserted rights to large swaths of what is now the American Southwest. That changed after the Mexican-American War, when Mexico ceded its claims by treaty to the United States in 1848. See Pet. for Cert. 12; Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico, Feb. 2, 1848, 9 Stat. 922 (Treaty of Guadalupe Hidalgo).

A few years later, the United States and the Apaches signed a treaty of their own. In it, the United States promised that it would “at its earliest convenience designate, settle, and adjust . . . territorial boundaries” with the Apaches. Treaty with the Apaches, Art. 9, July 1, 1852, 10 Stat. 980 (Treaty of Santa Fe). But the “U.S. never formally complied with” that promise. Royce 789. Instead, many years of conflict, known as the Apache Wars, followed. See R. Ogle, *Federal Control of the Western Apaches, 1848–1886*, p. 242 (1970); App. to Pet. for Cert. 963a. Eventually, the government forced the Apaches onto reservations, and they “lost large portions of their homelands, including Oak Flat.” App. to Pet. for Cert. 858a–859a.

Beginning in the 20th century, however, the government took some steps to protect the site. First, in 1905, the government created the Tonto National Forest, of which Oak Flat forms a part. *Id.*, at 827a; 101 F. 4th, at 1129. Then, in 1955, President Eisenhower reserved a portion of Oak Flat to protect it from mining. See 20 Fed. Reg. 7336–7337. Later, President Nixon renewed that protection. 36 Fed. Reg. 19029 (1971). And as recently as 2016, the National Park Service added Oak Flat to the National Register of Historic Places, in part because of the site’s significance to tribal members. See Pet. for Cert. 13, n. 3.

Those protections started coming under pressure in 1995 with the discovery of a copper deposit thousands of feet beneath Oak Flat. App. to Pet. for Cert. 687a. Seeking to exploit that resource, two multinational mining companies, Rio Tinto and BHP, joined forces to form Resolution Copper, and together they began lobbying Congress for permission to mine the site. Pet. for Cert. 13. Over the ensuing two decades, various Members of Congress

proposed at least 12 separate standalone bills aimed at requiring the government to transfer Oak Flat to Resolution Copper. 101 F. 4th, at 1045, n. 1. Following hearings and testimony from tribal members, however, each of those pieces of legislation failed. *Ibid.*, n. 2.

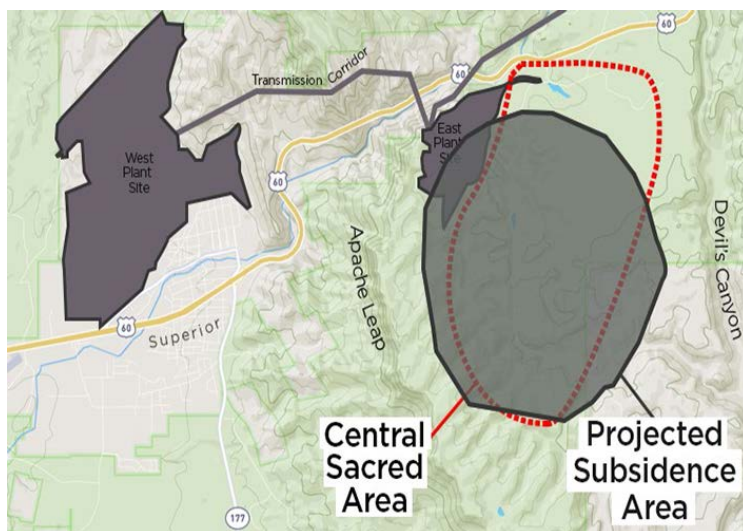
That experience eventually led Resolution Copper and its congressional allies to try a different tack. Every year, Congress passes a bill called the National Defense Authorization Act (NDAA). Some call it “must-pass” legislation. 101 F. 4th, at 1128 (Murguia, C. J., dissenting). In 2014, the NDAA was 698 pages long and authorized hundreds of billions of dollars in defense spending. See Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, 128 Stat. 3292; see also H. R. Rep. No. 113–446, pt. 2, p. 2 (2014). To that bill, legislators attached “a last-minute rider” regarding the exploitation of Oak Flat. See §3003, 128 Stat. 3732; Reply to Brief in Opposition 10–11.

That provision, called the Land Exchange Act, sought to accomplish several things. It authorized the government to transfer Oak Flat to Resolution Copper in exchange for other scattered parcels of land. See §§3003(b)(2), (b)(4), (c)(1), (d)(1), 128 Stat. 3732–3737. It revoked the orders by Presidents Eisenhower and Nixon protecting the area from mining. §3003(i)(1)(A), *id.*, at 3740. And it directed the Secretary of Agriculture to prepare an environmental impact statement (EIS). §3003(c)(9)(B), *id.*, at 3735–3736. After completing the EIS, the government must “convey all right, title, and interest” in Oak Flat to Resolution Copper within “60 days.” §3003(c)(10), *id.*, at 3736–3737.

In January 2021, the Department of Agriculture published an EIS. See App. to Pet. for Cert. 685a. In it, the Department explained that Resolution Copper’s mining activities, using a technique called panel caving, would result in a crater “between 800 and 1,115 feet deep and roughly 1.8 miles across.” *Id.*, at 690a. The Department admitted that Oak Flat would “be directly and permanently damaged by the subsidence area.” *Id.*, at 698a–699a. Indeed, the Apaches tell us, the planned crater overlaps almost entirely with the area sacred to them.

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GORSUCH, J., dissenting



Pet. for Cert. 15.

Acknowledging that the planned destruction of Oak Flat would cause “indescribable hardship” to tribal members, App. to Pet. for Cert. 701a, the Department considered alternative mining techniques. But it rejected those alternatives, concluding that, while other “underground techniques” could “technically be applied,” they would “substantially reduce the amount of ore that could be profitably mined.” *Id.*, at 931a, 934a.

Now, the planned destruction of Oak Flat appears imminent. Though the Department withdrew its initial EIS shortly after issuing it in 2021, the government represents that it intends to publish a final EIS on June 16, 2025, and transfer the land to Resolution Copper on or shortly after that date. See Letter from D. Sauer, Solicitor General, to S. Harris, Clerk of Court (Apr. 21, 2025).

C

Seeking to halt the transfer and destruction of Oak Flat, Apache Stronghold filed suit under RFRA in 2021 when the Department was preparing to publish its initial EIS. Pet. for Cert. 16. After the district court denied its motion for a preliminary injunction, Apache Stronghold took its case to the Ninth Circuit, where years of litigation followed.

The first round of that litigation culminated in a split panel decision rejecting Apache Stronghold's RFRA claim. The panel began by observing that RFRA prevents the federal government from "substantially burden[ing]" a person's sincere exercise of religion," unless that burden is "the least restrictive means of furthering" a "compelling governmental interest." 38 F. 4th 742, 752 (2022) (quoting 42 U.S.C. §§ 2000bb-1(a), (b)). And because the government did not dispute that "Apache Stronghold's members seek to exercise sincere religious beliefs by holding ceremonies on Oak Flat," the panel recognized, the first critical question it faced concerned whether the government's proposed land transfer and mining plans would "substantially burden" the Apaches' religious exercises. 38 F. 4th, at 752.

To answer that question, a majority of the panel turned for guidance to an earlier Ninth Circuit case, *Navajo Nation v. United States Forest Serv.*, 535 F. 3d 1058 (2008) (en banc). There, the Ninth Circuit had held that burdens on religious exercise qualify as "substantial" in two—and only two—circumstances: (1) "when individuals are forced to choose between following the tenets of their religion and receiving a governmental benefit," and (2) when individuals are "coerced to act contrary to their religious beliefs by the threat of civil or criminal sanctions." *Id.*, at 1070. Applying that test to Apache Stronghold's claim, the majority concluded that the government's plans would not substantially burden tribal members' religious exercises. Those plans may "mak[e] worship on Oak Flat 'impossible.'" 38 F. 4th, at 757. But, the majority reasoned, the government's plans did not force tribal members to reject their faith and thus did not offend RFRA. Disagreeing with the majority's understanding of *Navajo Nation* and its application to Apache Stronghold's claim, Judge Berzon dissented. *Id.*, at 773.

That, however, did not prove the Ninth Circuit's last word on the matter. After the panel ruled, the court agreed to rehear Apache Stronghold's case en banc. And, at the culmination of those proceedings, a majority of the en banc court announced its decision to overrule *Navajo Nation*. For purposes of RFRA, the majority held, a "substantial burden" on religious exercise isn't limited to the two categories discussed in that case. "[P]reventing access to religious exercise" also qualifies. 101 F. 4th, at 1043 (*per curiam*).

You might think that decision would have marked a significant victory for the Apaches. After all, the destruction of Oak Flat would “prevent” them from conducting religious exercises, including ones they believe can occur nowhere else. But rather than end its analysis there, a different and closely divided 6-to-5 majority of the en banc court proceeded to articulate a special exception to the rule the court had just recognized. While the phrase “substantial burden” generally reaches actions that “preven[t] access to religious exercise,” *ibid.*, the majority said, that rule does not apply to actions involving “a disposition of government real property,” *id.*, at 1055. And for that reason, the Ninth Circuit once again denied Apache Stronghold’s request for relief.

How the en banc court arrived at its conclusion is a story of its own. The court began by reciting some legal history involving the Free Exercise Clause of the First Amendment. *Id.*, at 1056–1058. In cases like *Sherbert v. Verner*, 374 U.S. 398 (1963), and *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the Ninth Circuit observed, this Court asked whether the government’s challenged action imposed a substantial burden on religion, whether that burden served a compelling interest, and whether the government’s chosen means were narrowly tailored. Later, the Ninth Circuit continued, this Court upended that approach in *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872 (1990), by holding that *Sherbert* and *Yoder*’s test for free exercise claims does not apply to challenged governmental actions that are “‘neutral’” toward and among religions and “generally applicable” to all persons. 494 U.S., at 878–879. Later still, the Ninth Circuit noted, Congress expressed displeasure with *Smith*, adopted RFRA, and in doing so effectively guaranteed the *Sherbert* and *Yoder* test would be applied “in all cases where free exercise of religion is substantially burdened.” 42 U.S.C. § 2000bb(b)(1).

After laying out this history, the Ninth Circuit introduced a wrinkle that, in its estimation, bore dramatically on RFRA’s meaning. The court pointed to another pre-*Smith* case, *Lyng v. Northwest Indian Cemetery Protective Assn.*, 485 U.S. 439 (1988). That case involved a First Amendment challenge to a plan to construct a road on federal land near sacred tribal sites. *Id.*, at 443. On the Ninth Circuit’s telling, *Lyng* set forth a special test for analyzing whether the government’s “disposition” of its real property runs afoul of the Free Exercise Clause. 101

F. 4th, at 1055. That test, the Ninth Circuit said, permits the government to do as it pleases with its property as long as it has no “tendency to coerce individuals into acting contrary to their religious beliefs” and does not “discriminat[e]” against or among religious adherents. *Id.*, at 1051 (internal quotation marks omitted). In the Ninth Circuit’s view, what counts as a “substantial burden” under RFRA “must be construed in light of” this Court’s pre-*Smith* First Amendment jurisprudence and thus must be understood to “subsum[e], rather than abrogat[e], the holding of *Lyng*.” 101 F. 4th, at 1063.

The upshot? Through this long series of moves, the Ninth Circuit concluded that the government *usually* imposes a substantial burden on religious exercise when it prevents that exercise. But, thanks to *Lyng*, a *different* rule applies when it comes to the “disposition” of the government’s real property. 101 F. 4th, at 1055. In that setting, the Ninth Circuit held, a substantial burden arises only when the government coerces people into defying their religious beliefs or discriminates between religions. *Id.*, at 1055, 1063. And, the Ninth Circuit reasoned, Apache Stronghold could not satisfy that standard because the government’s plan does not force anyone to reject their religious beliefs and does not discriminate among religions. To be sure, the government’s plan may promise the destruction of a sacred site and thus prevent religious exercises from occurring. But, the court reasoned, none of that is enough to amount to a substantial burden under RFRA when the “disposition” of federal land is involved. *Id.*, at 1053, 1063.

II

The Ninth Circuit’s extraordinary holding easily merits this Court’s attention. It is far from obviously correct. It poses a question of exceptional importance. And it implicates a circuit split. Simply put, this case meets every one of the standards we generally apply when assessing petitions seeking our review. See this Court’s Rule 10.

A

Start with the question whether the Ninth Circuit erred. There are many reasons to think it did. Consider just a few of them.

First, the Ninth Circuit’s interpretation of the phrase “substantial burden” is difficult to reconcile with the statutory text. As

a matter of ordinary meaning, after all, an action that prevents a religious exercise does not just burden that exercise substantially, it burdens it completely. Even the Ninth Circuit seemed to recognize as much, acknowledging that, as a rule, the government imposes a substantial burden on religious exercises when it “prevent[s]” them entirely. 101 F. 4th, at 1043 (*per curiam*); *id.*, at 1052; see also *id.*, at 1091, 1104 (R. Nelson, J., concurring).

Exactly nothing in the phrase “substantial burden”—or anything else in RFRA’s text—hints that a different and more demanding standard applies when (and only when) the “disposition” of the government’s property is at issue. *Id.*, at 1055, 1063. To the contrary, RFRA proceeds to define the “exercise of religion” to include “[t]he use . . . of real property for the purpose of religious exercise.” 42 U.S.C. §§ 2000bb–2, 2000cc–5(7)(B). The statute adds that its demands apply to “all” of “Federal law,” without regard to subject matter. § 2000bb–3(a). And the statute provides that “[n]othing” in its provisions “shall be construed to authorize any government to burden any religious belief.” § 2000bb–3(c). In each of these ways, RFRA’s terms suggest that a law disposing of federal real property is to be treated like any other.

Second, while RFRA may have sought to restore some of this Court’s pre-*Smith* First Amendment jurisprudence, we have never held that the statute should be construed to “subsum[e]” that jurisprudence wholesale. 101 F. 4th, at 1061. Far from it. In *Burwell v. Hobby Lobby Stores Inc.*, for example, the government argued that RFRA’s use of the phrase “exercise of religion” should be understood to reach only those religious practices this Court had recognized to be protected by the First Amendment before *Smith*. See 573 U.S. 682, 713 (2014). But this Court emphatically rejected that notion, describing its implications as “absurd” and explaining that, “[b]y enacting RFRA, Congress went far beyond what this Court ha[d] held [to be] constitutionally required” before *Smith*. 573 U.S., at 706, 714–716. Similarly, in *Holt v. Hobbs*, a lower court invoked this Court’s pre-*Smith* First Amendment decisions to hold that a prison regulation prohibiting inmates from growing beards did not “substantially burden” religious exercise under the Religious Land Use and Institutionalized Persons Act (RLUIPA), RFRA’s “sister statute.” 574 U.S. 352, 356, 361 (2015). But, again, this Court firmly rejected that course, holding that the lower court had “improperly imported a strand of

reasoning” from First Amendment decisions into a distinct statutory setting that guarantees “greater protection.” *Id.*, at 361.

Third, even taken on its own terms, it is hard to see how *Lyng* can be read as setting forth a special test for determining when a government’s “disposition” of land represents a “substantial burden” on religion. Just search *Lyng* for the phrase “substantial burden.” You will not find it. Nor did *Lyng* involve a challenge to a governmental plan that seeks to destroy a religious site, as the government’s plan for Oak Flat would. Instead, that case concerned a plan to build a road near religious sites that promised to generate noise and considerable disruption, but that also promised to leave those sites standing. 485 U. S., at 442, 444, 454. In rejecting a First Amendment challenge to the government’s plan in *Lyng*, the Court took pains to stress that point, and the fact that the government’s actions would not “*prohibit*” religious exercises. *Id.*, at 452 (emphasis added).

To be sure, *Lyng* also stressed that the government’s plan at issue there did not “discriminate” against or among religions. *Id.*, at 453. And later, in *Smith*, this Court read *Lyng* to support its view that the government does not violate the Free Exercise Clause when its actions are “neutral” toward and among religions and “generally applicable.” 494 U. S., at 881, 883. But none of that has any bearing here. As we have seen, the fact that the government acts pursuant to a neutral and generally applicable law is not enough to satisfy RFRA. Even in those circumstances, the government may not impose a “substantial burden” on religious exercise unless it has a compelling reason to do so and employs the least restrictive means to further that interest.

Fourth, at bottom, it seems the Ninth Circuit was concerned that a ruling for Apache Stronghold would effectively afford tribal members a “‘religious servitude’” on federal land at Oak Flat. 101 F. 4th, at 1052. And, the argument goes, those who adopted RFRA could not have intended to afford Tribes or others that kind of power over the disposition of federal property. Brief for Federal Respondents in Opposition 16. But unexpressed legislative intentions are not the law. And even if we were to abandon the statutory text in favor of guesswork about unenacted congressional purposes, it is far from clear why we should make the guess the Ninth Circuit did.

The truth is, Congress has adopted all sorts of laws restricting the government’s power to dispose of its real property. Take just

one example, the Endangered Species Act. That law, this Court once held, required the government to halt “operation of a virtually completed federal dam” to protect the endangered “snail darter,” a “previously unknown species of perch.” *TVA v. Hill*, 437 U. S. 153, 156, 158 (1978). The Court read the Act to require that result even though Congress had spent more than \$100 million on the dam—nearly half a billion in today’s dollars—and our holding effectively “‘divest[ed] the Government of its right to use what is, after all, *its* land.’” 101 F. 4th, at 1051 (quoting *Lyng*, 485 U. S., at 453). If Congress went to such lengths to accommodate the snail darter, why should we suppose it offered less protection to people practicing an ancient faith?

B

Not only does the Ninth Circuit’s decision merit our review because it rests on questionable legal footing. Review is all the more warranted because that decision implicates both a vital question and a circuit split.

No one before us disputes the significance of this case. Nor could anyone sensibly do so. As the government has made plain, it intends to clear the way for Resolution Copper to begin the destruction of Oak Flat imminently. Letter from D. Sauer, Solicitor General, to S. Harris, Clerk of Court (Apr. 21, 2025). The effects of the government’s plan promise to be “immediate, permanent, and large in scale.” App. to Pet. for Cert. 912a. An ancient sacred site will be destroyed, replaced by a 2-mile-wide crater. The Apaches tell us, without contradiction, that the destruction of Oak Flat will prevent them from conducting religious exercises that cannot take place anywhere else. Pet. for Cert. 8. Indeed, they say, the government’s plan will effectively “end Apache religious existence as we know it.” *Id.*, at 40. Even the government has acknowledged that the destruction of Oak Flat will inflict “indescribable hardship” on the Apaches. App. to Pet. for Cert. 869a.

But if tribal members will suffer the most, they will hardly be alone. The Ninth Circuit’s decision promises to affect many others too. Take the Knights of Columbus. For 60 years, they held Mass on Memorial Day in Virginia’s Poplar Grove National Cemetery. Pet. for Cert. 36. But after the Ninth Circuit’s decision in this case, the National Park Service invoked that court’s reasoning, denied permission for the Mass in 2023, and argued that the

Knights suffered “‘no burden’” under RFRA from the discontinuation of their longstanding worship. *Ibid.* (quoting Brief for Defendants in *Knights of Columbus v. National Park Service*, No. 3:24-cv-363 (ED Va., May 22, 2024), ECF Doc. 21, pp. 20–21). Though the Park Service eventually relented after litigation ensued, seemingly nothing would prevent it from trying its hand again so long as the Ninth Circuit’s decision stands. Nor would anything appear to prevent the government from prohibiting worship at Ebenezer Baptist Church where Martin Luther King, Jr., preached, or at the many other historic churches situated on federal land. See Pet. for Cert. 37.

Perhaps unsurprisingly, the Ninth Circuit’s decision in this case stands as an outlier. Not a single other Court of Appeals has suggested that the “substantial burden” test in RFRA or its sister statute RLUIPA contains anything like the Ninth Circuit’s special rule for the “disposition” of government property. To the contrary, one court after another has held that preventing a religious exercise is, necessarily, a “substantial burden” on that religious exercise. As Chief Judge Sutton has succinctly put it, “[t]he greater restriction (barring access to the practice) includes the lesser one (substantially burdening the practice).” *Haight v. Thompson*, 763 F. 3d 554, 565 (CA6 2014); see also *Yellowbear v. Lampert*, 741 F. 3d 48, 56 (CA10 2014); *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F. 3d 548, 555–556 (CA4 2013); *West v. Radtke*, 48 F. 4th 836, 845, n. 3 (CA7 2022); *In re Young*, 82 F. 3d 1407, 1418 (CA8 1996); *Thai Meditation Assn. of Ala., Inc. v. Mobile*, 980 F. 3d 821, 830–831 (CA11 2020).

Yet, even if no other circuit ever follows the Ninth Circuit’s lead, its outlying rule will have outsized effects. That circuit encompasses approximately 74% of all federal land and almost a third of the Nation’s Native American population. Pet. for Cert. 36. Thanks in large measure to these facts, every circuit decision over the last three decades addressing RFRA sacred-site claims has come “from the Ninth Circuit.” Reply to Brief in Opposition 5–6. As a practical matter, then, if allowed to stand, the Ninth Circuit’s holding below will govern most (if not all) RFRA sacred-site disputes in this country.

*

While this Court enjoys the power to choose which cases it will hear, its decision to shuffle this case off our docket without a full airing is a grievous mistake—one with consequences that threaten

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to reverberate for generations. Just imagine if the government sought to demolish a historic cathedral on so questionable a chain of legal reasoning. I have no doubt that we would find that case worth our time. Faced with the government’s plan to destroy an ancient site of tribal worship, we owe the Apaches no less. They may live far from Washington, D. C., and their history and religious practices may be unfamiliar to many. But that should make no difference. “Popular religious views are easy enough to defend. It is in protecting unpopular religious beliefs that we prove this country’s commitment to . . . religious freedom.” *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*, 584 U.S. 617, 649 (2018) (GORSUCH, J., concurring).

No. 24–410. L. M., A MINOR, BY AND THROUGH HIS FATHER AND STEPMOTHER AND NATURAL GUARDIANS, MORRISON ET UX. v. TOWN OF MIDDLEBOROUGH, MASSACHUSETTS, ET AL. C. A. 1st Cir. Reported below: 103 F. 4th 854.

JUSTICE THOMAS, dissenting.

In *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969), this Court held that public school officials may not restrict a student’s freedom of speech unless his behavior “materially disrupts classwork or involves substantial disorder or invasion of the rights of others.” *Id.*, at 513. I have previously explained why *Tinker*’s holding is “without basis in the Constitution” and should be “dispense[d] with . . . altogether.” *Morse v. Frederick*, 551 U.S. 393, 410, 422 (2007) (concurring opinion); see *id.*, at 410–422; *Mahanoy Area School Dist. v. B. L.*, 594 U.S. 180, 216–217 (2021) (dissenting opinion). But, unless and until this Court revisits it, *Tinker* is binding precedent that lower courts must faithfully apply.

For the reasons explained by JUSTICE ALITO, the First Circuit decision below flouts *Tinker* and its progeny. *Post*, at 955–961 (opinion dissenting from denial of certiorari). Petitioner L. M. plainly did not create a “materia[l] disrupt[ion],” *Tinker*, 393 U.S., at 513, by wearing t-shirts reading “There Are Only Two Genders”—and, later, after his school barred that shirt—“There Are CENSORED Genders,” 103 F. 4th 854, 860 (2024). In holding otherwise, the First Circuit distorted this Court’s First Amendment case law in significant ways that warrant this Court’s review. I therefore join JUSTICE ALITO’s opinion and respectfully dissent from the denial of certiorari.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.

This case presents an issue of great importance for our Nation's youth: whether public schools may suppress student speech either because it expresses a viewpoint that the school disfavors or because of vague concerns about the likely effect of the speech on the school atmosphere or on students who find the speech offensive. In this case, a middle school permitted and indeed encouraged student expression endorsing the view that there are many genders. But when L. M., a seventh grader, wore a t-shirt that said "There Are Only Two Genders," he was barred from attending class. And when he protested this censorship by blocking out the words "Only Two" and substituting "CENSORED," the school prohibited that shirt as well.

The First Circuit held that the school did not violate L. M.'s free-speech rights. It held that the general prohibition against viewpoint-based censorship does not apply to public schools. And it employed a vague, permissive, and jargon-laden rule that departed from the standard this Court adopted in *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S. 503 (1969).

The First Circuit's decision calls out for our review.

I

A

In March 2023, L. M. was a seventh grader at Nichols Middle School (NMS or the School) in Middleborough, Massachusetts. Inside and outside the classroom, NMS promotes the view that gender is a fluid construct and that a person's self-defined identity—not biological sex—determines whether that person is male, female, or something else. See App. to Pet. for Cert. 98a–99a, 125a–126a. NMS also encourages students to embrace and express this viewpoint, including during the school's "PRIDE Spirit Week." *Id.*, at 119a; see also *id.*, at 101a–102a.

L. M., however, sees things differently. His "understanding of basic biology" has led him to believe that "there are only two sexes, male and female, and that a person's gender . . . is inextricably tied to sex." *Id.*, at 90a. Nor is L. M. alone in this regard. Several of his peers take issue with NMS's position on questions of human identity, sex, and gender, but they remain silent due to the social consequences of disagreeing with the School's authority figures. *Id.*, at 99a–100a, 126a.

To register his dissent and start a dialogue on the topic, L. M. wore a shirt to school that read, “There Are Only Two Genders.” 103 F. 4th 854, 860 (CA1 2024). But NMS censored L. M.’s speech no sooner than it started.

The school principal removed L. M. from his first-period gym class after a teacher called to report the shirt. The teacher expressed concern for the “physical safety” of the student body and claimed that “multiple members of the LGBTQ+ population at NMS . . . would be impacted by the t-shirt message” and could “potentially disrupt classes.” App. in No. 23–1535 etc. (CA1), p. 86. After haling L. M. into her office, the principal explained that other students had “complained” that the shirt “made them upset.” App. to Pet. for Cert. 103a, 127a. She then told L. M. that he could not return to class unless he changed clothes. L. M. declined, so he was sent home.

A week and a half later, L. M.’s father emailed the superintendent of the Middleborough Public School System and inquired why his son could not wear the “Two Genders” shirt. L. M.’s father noted that the shirt was not “directed to any particular person” and “simply stated [L. M.’s] view on a . . . topic that is being discussed in social media, schools, and churches all across our country.” *Id.*, at 121a. He also pointed out that many NMS students make political statements “every day” through “their choice of clothes, pins, posters, and speech.” *Ibid.*; see, e.g., Reply to Brief in Opposition 12 (NMS social-media post featuring a student wearing a shirt that reads, “HE SHE THEY IT’S ALL OKAY”). L. M.’s father explained that L. M. just wanted to do the same. In response, the superintendent explained that the shirt violated the school dress code by “target[ing] students of a protected class; namely in the area of gender identity.” App. to Pet. for Cert. 122a.

Frustrated that he was not allowed to express his views on an issue of personal and national concern—especially when other students and NMS officials routinely espouse the opposite position during school hours—L. M. wore a redacted version of the shirt in protest. It read: “There Are CENSORED Genders.” 103 F. 4th, at 860. But this shirt fared no better. Moments after L. M. arrived to his first class, he was summoned to the principal’s office and told that the “CENSORED” shirt was also banned. Rather than miss another day of school, L. M. acquiesced and changed clothes.

B

L. M., by and through his parents and natural guardians, filed suit under Rev. Stat. § 1979, 42 U.S.C. § 1983, in the District of Massachusetts against the town, school committee, superintendent, and principal. He alleged violations of his First and Fourteenth Amendment rights and, as relevant here, claimed that NMS engaged in viewpoint discrimination and breached his free-speech rights under this Court's decision in *Tinker*. Soon after filing the complaint, L. M. moved for a preliminary injunction.

The District Court denied relief. See 677 F. Supp. 3d 29, 41 (2023). It acknowledged that students retain their First Amendment rights while at public school. But under *Tinker*, the District Court explained, the Constitution allows schools to restrict student expression that (1) “‘materially disrupts classwork or involves substantial disorder’” or (2) “‘inva[des] . . . the rights of others.’” 677 F. Supp. 3d, at 37 (quoting *Tinker*, 393 U.S., at 513). The District Court then concluded that L. M.’s shirts ran afoul of *Tinker*’s “rights of others” limitation. With respect to the first shirt, the court reasoned that the “[s]chool administrators were well within their discretion to conclude that” gender-nonconforming students “have a right to attend school without being confronted by messages attacking their identities,” and L. M.’s “Two Genders” shirt “may communicate that only two gender identities—male and female—are valid, and any others are invalid or nonexistent.” 677 F. Supp. 3d, at 38. With respect to the second shirt, the court found that the NMS administrators “could reasonably conclude” that the “CENSORED” shirt “did not merely protest censorship but conveyed the ‘censored’ message and thus invaded the rights of the other students” too. *Id.*, at 39.

At the parties’ request, the District Court converted its preliminary-injunction decision into a final judgment, and L. M. appealed. L. M. argued that his expression did not target or harass any particular student, that NMS administrators lacked sufficient evidence to reasonably predict that the shirts would cause a material disruption, and that NMS could neither suppress his speech for viewpoint-based reasons nor condone a heckler’s veto of his speech.

On appeal, the First Circuit affirmed on an alternative ground. See 103 F. 4th 854. Instead of holding that the shirts infringed the “rights of others,” as had the District Court, the First Circuit relied on the other justification mentioned in *Tinker*: speech that

“materially disrupts classwork or involves substantial disorder.” 393 U.S., at 513. The court acknowledged that L. M.’s shirts—like the black armbands in *Tinker*—expressed his views “passively, silently, and without mentioning any specific students.” 103 F. 4th, at 860. But the court saw a material difference between L. M.’s speech and that of the students in *Tinker*. According to the First Circuit, L. M.’s expression—unlike the speech in *Tinker*—“demean[ed] characteristics of personal identity, such as race, sex, religion, or sexual orientation” that “other students at the school share.” 103 F. 4th, at 860, 867. After surveying decisions from other Circuits that have encountered similar situations, the First Circuit fashioned a bespoke two-pronged test to apply in this context:

“[S]chool officials may bar passive and silently expressed messages by students at school that target no specific student if: (1) the expression is reasonably interpreted to demean one of those characteristics of personal identity, given the common understanding that such characteristics are unalterable or otherwise deeply rooted and that demeaning them strike[s] a person at the core of his being; and (2) the demeaning message is reasonably forecasted to poison the educational atmosphere due to its serious negative psychological impact on students with the demeaned characteristic and thereby lead to symptoms of a sick school—symptoms therefore of substantial disruption.” *Id.*, at 873–874 (citations and internal quotation marks omitted).

When both prongs are satisfied, the First Circuit explained, a court can be confident “that speech is being barred only for reasons *Tinker* permits and not merely because it is ‘offensive’ in the way that a controversial opinion always may be.” *Id.*, at 874 (citing *Tinker*, 393 U.S., at 509).

Applying this standard to the facts at hand, the First Circuit resolved both prongs in favor of the School. Specifically, it determined (1) that NMS reasonably interpreted L. M.’s shirts as asserting that anyone who identifies as anything other than male or female is “‘invalid or nonexistent,’” which would “demean the identity of transgender and gender-nonconforming NMS students”; and (2) such an affront on the very “existence” of these students would “‘materially disrupt [their] ability to focus on learning.’” 103 F. 4th, at 879–883. In making the latter deter-

mination, the court deferred to the School's prior experiences with the "LGBTQ+ population at NMS," particularly "the serious nature of the struggles, including suicidal ideation, that some of those students had experienced." *Id.*, at 882. Given the "vulnerability" of these students, the court saw no reason to second guess NMS's prediction that the shirts "would so negatively affect the[ir] psychology" that their academic performance and class attendance would decline. *Ibid.*

Finally, the First Circuit sidestepped L. M.'s viewpoint-discrimination arguments. Rather than fully engage with those arguments on the merits, the court, in a footnote, declined to import this Court's broader viewpoint-discrimination jurisprudence into the school context. See *id.*, at 883, and n. 9; see also *id.*, at 886, n. 11.

II

I would grant the petition for two reasons.

First, we should reaffirm the bedrock principle that a school may not engage in viewpoint discrimination when it regulates student speech. *Tinker* itself made that clear. See 393 U. S., at 511 ("Clearly, the prohibition of expression of one particular opinion . . . is not constitutionally permissible"). Curiously, however, the First Circuit declined to follow *Tinker* in this regard, instead cherry-picking which First Amendment principles it thought worthy of allowing through the schoolhouse gates. By limiting the application of our viewpoint-discrimination cases, the decision below robs a great many students of that core First Amendment protection.

Second, we should also grant review to determine whether the First Circuit properly understood the rule adopted in *Tinker* regarding the suppression of student speech on the ground that it presents a risk of material disruption. We have described this standard as "demanding." *Mahanoy Area School Dist. v. B. L.*, 594 U. S. 180, 193 (2021). But the First Circuit fashioned a rule that is anything but. The lower courts are divided on how to apply *Tinker*'s "material disruption" standard in a context like this one,¹

¹ See, e.g., *Zamecnik v. Indian Prairie School Dist. No. 204*, 636 F. 3d 874, 875 (CA7 2011) (upholding a student's right to wear a shirt that read, "Be Happy, Not Gay"); *Nuxoll v. Indian Prairie School Dist. No. 204*, 523 F. 3d 668, 670 (CA7 2008) (same); *Sypniewski v. Warren Hills Regional Bd. of Educ.*, 307 F. 3d 243, 246 (CA3 2002) (upholding a student's right to wear a shirt "inscribed with 'redneck' jokes"); see also *Harper v.*

and the decision below underscores the pressing need for clarification.

A

“[A]bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). Otherwise, the government could purge entire topics from the public discourse. And as our cases recognize, these freedom-of-speech harms become “all the more blatant” when the government “targets not subject matter, but particular views taken by speakers on a subject.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995).

Nor is there a carveout from this principle for controversial, offensive, or disfavored views. For example, we recently held unconstitutional a statute prohibiting the registration of “immoral or scandalous” trademarks, explaining that “a law disfavoring ‘ideas that offend’” is “the ‘essence of viewpoint discrimination.’” *Iancu v. Brunetti*, 588 U.S. 388, 393, 396 (2019) (quoting *Matal v. Tam*, 582 U.S. 218, 223, 249 (2017)). Indeed, the presumption against viewpoint discrimination is of such importance to our constitutional order that we have even applied it to categories of speech—like fighting words—that do not enjoy full First Amendment protection. See *R. A. V. v. St. Paul*, 505 U.S. 377, 391 (1992). So, for example, Congress could ban all fighting words, but it could not ban only those fighting words directed toward Protestants.

Unsurprisingly, the viewpoint-neutrality rule also applies to student speech. Students do not relinquish their First Amendment rights at school, see *Tinker*, 393 U.S., at 506, and by extension, a school cannot censor a student’s speech merely because it is controversial, see *Mahanoy*, 594 U.S., at 190. As *Tinker* itself made clear, the viewpoint-neutrality rule plays an important role in safeguarding students’ First Amendment right to express an

Poway Unified School Dist., 445 F.3d 1166, 1171 (CA9 2006) (upholding a school’s ban of a shirt that read, “HOMOSEXUALITY IS SHAMEFUL”), vacated as moot, 549 U.S. 1262 (2007); *Parents Defending Education v. Olentangy Local School Dist. Bd. of Educ.*, 109 F.4th 453, 464 (CA6) (holding that a school could satisfy *Tinker*’s material-disruption standard by relying on “common-sense conclusions based on human experience” to punish students for the “dehumanizing and humiliating effects of non-preferred pronouns” (internal quotation marks omitted)), reh’g en banc granted, 120 F.4th 536 (CA6 2024).

“unpopular viewpoint” at school. 393 U. S., at 509. There, in holding unconstitutional the decision to prohibit students from wearing black armbands to protest the Vietnam War, we emphasized that the school authorities “did not purport to prohibit the wearing of all symbols of political or controversial significance.” *Id.*, at 510. “[S]tudents in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism.” *Ibid.* The schools allowed this speech but not the armbands. We concluded that such viewpoint discrimination “is not constitutionally permissible.” *Id.*, at 511.

L. M. raised a viewpoint-discrimination argument below. See Brief for Appellant in No. 23–1535 etc. (CA1), pp. 43–44, 53. Namely, he argued that NMS had endorsed and favored the expression of the view that “gender is identity-based” while “barring [his] contrary view that gender is sex-based.” *Id.*, at 44. L. M. also noted our recent reaffirmation of the viewpoint-neutrality principle in cases like *Matal v. Tam* and *Iancu v. Brunetti*. Yet the First Circuit rejected that important argument in a footnote, stating: “We see no reason to take up L.M.’s invitation to be, as far as we can tell, the first court to import recent decisions that clearly did not contemplate the special characteristics of the public-school setting into that setting.” 103 F. 4th, at 883, n. 9 (citing *Matal*, 582 U. S. 218; *Iancu*, 588 U. S. 388); see also 103 F. 4th, at 886, n. 11.

The court below erred, and badly so: the rule that viewpoint-based restrictions on speech are almost never allowed is not a new principle proclaimed only in “recent decisions” like *Matal* or *Iancu*. 103 F. 4th, at 883, n. 9. To the contrary, viewpoint neutrality has long been seen as going to “the very heart of the First Amendment.” *Morse v. Frederick*, 551 U. S. 393, 423 (2007) (ALITO, J., concurring); cf. *Rosenberger*, 515 U. S., at 829–830. The First Circuit was wrong to expel this bedrock constitutional safeguard from our schools.²

²See *West Virginia Bd. of Ed. v. Barnette*, 319 U. S. 624, 642 (1943) (explaining that teachers and administrators cannot “prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion”); *Bethel School Dist. No. 403 v. Fraser*, 478 U. S. 675, 681 (1986) (affirming the “undoubted freedom to advocate unpopular and controversial views in schools and classrooms”); *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S. 503, 511 (1969) (“In our system, students may not be

B

The First Circuit also watered down the test adopted in *Tinker* for determining whether a school's restriction of student speech is allowed. Because free speech is the default and censorship the exception, *Tinker* set forth a "demanding standard." *Mahanoy*, 594 U. S., at 193. We held that a school can restrict speech when it has "evidence" that such restrictions are "necessary" to "avoid material and substantial interference with schoolwork or discipline."³ *Tinker*, 393 U. S., at 511. Thus, absent a "specific showing" of such a disruption—like "threats or acts of violence on school premises"—this justification for suppressing student speech does not apply. *Id.*, at 508, 511.

Under this standard, NMS had no right to censor L. M. Like the black armbands in *Tinker*, L. M.'s shirts were a "silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitione[r]." *Id.*, at 508. And just as in *Tinker*, some of L. M.'s classmates found his speech upsetting. Feeling upset, however, is an unavoidable part of living in our "often disputatious" society, and *Tinker* made abundantly clear that the "mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint" is no reason to thwart a student's speech. *Id.*, at 509. True, NMS also forecasted that L. M.'s shirts could lead to a "standoff" between students who support L. M.'s view and those who oppose it. 103 F. 4th, at 880. But the schools in *Tinker* were similarly worried

regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved"); *Morse*, 551 U. S., at 409 (rejecting the argument that student "speech is proscribable [when] it is plainly 'offensive'" because "much political and religious speech might be perceived as offensive to some"); *Mahanoy Area School Dist. v. B. L.*, 594 U. S. 180, 190 (2021) ("[S]chools have a strong interest in ensuring that future generations understand the workings in practice of the well-known aphorism, 'I disapprove of what you say, but I will defend to the death your right to say it'"); *id.*, at 210 (ALITO, J., concurring) ("Speech cannot be suppressed just because it expresses thoughts or sentiments that others find upsetting"); *Lee v. Weisman*, 505 U. S. 577, 590 (1992) ("To endure the speech of false ideas or offensive content and then to counter it is part of learning how to live in a pluralistic society, a society which insists upon open discourse").

³ *Tinker* also carves out student speech that "inva[des] . . . the rights of others," 393 U. S., at 513, but the First Circuit did not rely on that aspect of *Tinker*.

that students “would wear arm bands of other colors” and that this could “evolve into something which would be difficult to control.” 393 U. S., at 509, n. 3 (internal quotation marks omitted). If anything, the risk in *Tinker* was far less speculative than in this case. In *Tinker*, several students had already “made hostile remarks to the children wearing armbands,” *id.*, at 508, and a math teacher “had his lesson period practically ‘wrecked’ chiefly by disputes with Mary Beth Tinker” over her armband, *id.*, at 517 (Black, J., dissenting). Even so, *Tinker* deemed the schools’ concern an “undifferentiated fear” that could not “overcome the right to freedom of expression.” *Id.*, at 508 (majority opinion).

Instead of applying *Tinker*’s speech-protective standards, the court below crafted a novel and permissive test that distorts the “material disruption” rule beyond recognition. The First Circuit identified a special category of speech, *i.e.*, speech that can be interpreted as demeaning a deeply rooted characteristic of personal identity. And if student speech, as interpreted by the school, falls into this category, the school may ban that speech if the school “reasonably forecast[s]” that it may have a “serious negative psychological impact on students with the demeaned characteristic.” 103 F. 4th, at 873–874.

This rule cannot be squared with *Tinker*. The black armbands in that case also involved an emotionally charged topic, and the students in the Des Moines public schools were not somehow immune from those intense feelings. Justice Black made precisely this point in his dissent, writing: “Of course students . . . cannot concentrate on lesser issues when black armbands are being ostentatiously displayed in their presence to call attention to the wounded and dead of the war, some of the wounded and the dead being their friends and neighbors.” 393 U. S., at 524; see also *id.*, at 518 (“[T]he armbands . . . took the students’ minds off their classwork and diverted them to thoughts about the highly emotional subject of the Vietnam war”). Indeed, a “former student of one of [the] high schools was killed in Viet Nam,” and “[s]ome of his friends [were] still in school.” *Id.*, at 509, n. 3 (majority opinion) (internal quotation marks omitted). The *Tinker* Court nevertheless held that this stress and these distractions did not trump the students’ constitutional rights.

The First Circuit’s test dilutes *Tinker* in other ways too. To name just a few, it defines “material disruption” to include anything that correlates with “a decline in students’ test scores, an

upsurge in truancy, or other symptoms of a sick school,” whatever that means. 103 F. 4th, at 870 (internal quotation marks omitted). That is a highly permissive standard, and it certainly requires far less than that which *Tinker* suggested would constitute a “material disruption.” See 393 U. S., at 508 (“aggressive, disruptive action”); *ibid.* (“threats or acts of violence on school premises”); *ibid.* (“group demonstrations”); cf. *Mahanoy*, 594 U. S., at 192–193.

Further, the First Circuit’s test demands that a federal court abdicate its responsibility to safeguard students’ First Amendment rights and instead defer to school officials’ assessment of the meaning and effect of speech. The court below, for example, deferred to the School administrators’ determination that L. M.’s shirts conveyed a message that demeaned others’ personal identity. 103 F. 4th, at 879–880. That court also deferred to the administrators’ speculation about the likely effects of the t-shirts on students—even though L. M.’s speech resulted in no actual disruptions, and even though NMS “was not aware of any prior incidents or problems caused by th[e] [shirts’] message[s].” *Id.*, at 882. That approach defies *Tinker*, in which we performed our own “independent examination of the record” without trusting school administrators’ self-serving observations. 393 U. S., at 509.

Tinker’s “material disruption” standard is demanding by design. That is because free speech is the rule, not the exception. The First Circuit’s test flips that principle on its head.

C

One final point deserves comment. The First Circuit repeatedly emphasized that L. M.’s speech occurred in a middle school where children ranged in age from 10 to 14 years old—a point respondents echo in their brief in opposition. That should not make a difference. Mary Beth Tinker was a 13-year-old student in junior high school, yet the *Tinker* Court applied the same “material disruption” test to her as it did to the 15- and 16-year-old high school petitioners, John Tinker and Christopher Eckhardt. See *id.*, at 504. If a school sees fit to instruct students of a certain age on a social issue like LGBTQ+ rights or gender identity, then the school must tolerate dissenting student speech on those issues. If anything, viewpoint discrimination in the

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lower grades is more objectionable because young children are more impressionable and thus more susceptible to indoctrination.

* * *

“The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.” *Shelton v. Tucker*, 364 U. S. 479, 487 (1960). So long as the First Circuit’s opinion is on the books, thousands of students will attend school without the full panoply of First Amendment rights. That alone is worth this Court’s attention. The problem, however, runs deeper: as this case makes clear, some lower courts are confused on how to manage the tension between students’ rights and schools’ obligations. Our Nation’s students, teachers, and administrators deserve clarity on this critically important question. Because the Court has instead decided to let the confusion linger, I respectfully dissent.

Rehearing Denied

No. 24–205. WEISS, AS EXECUTOR OF ESTATE OF MARSH *v.* LIN ET AL., 604 U. S. 1008;

No. 24–717. IN RE JONA B., 604 U. S. 1193;

No. 24–763. IN RE ZOU, 604 U. S. 1210;

No. 24–6248. BROWN *v.* ADAMS, WARDEN, 604 U. S. 1195;

No. 24–6397. AHMAD *v.* DAY ET AL., 604 U. S. 1243;

No. 24–6449. JONES *v.* HOWARD, WARDEN, 604 U. S. 1196; and

No. 24–6726. KRUMBACK *v.* PIRRAGLIA, ACTING WARDEN, ET AL., 604 U. S. 1235. Petitions for rehearing denied.

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Miscellaneous Order

No. 24A1079. NOEM, SECRETARY, DEPARTMENT OF HOMELAND SECURITY *v.* DOE ET AL. C. A. 1st Cir. Application for stay, presented to JUSTICE JACKSON, and by her referred to the Court, granted. The April 14, 2025, order entered by the United States District Court for the District of Massachusetts, case No. 1:25–cv–10495, is stayed pending disposition of the appeal in the United States Court of Appeals for the First Circuit and disposition of a petition for writ of certiorari, if such writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

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JACKSON, J., dissenting

JUSTICE JACKSON, with whom JUSTICE SOTOMAYOR joins, dissenting.

When this Court evaluates whether or not to stay a lower court's order, the factors we apply are well established: The applicants must show a fair prospect that we will grant certiorari and reverse, that the merits favor them, that irreparable harm will befall them should we deny the stay, and, in close cases, that the equities and public interest are on their side. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (*per curiam*); *Maryland v. King*, 567 U.S. 1301, 1302 (2012) (ROBERTS, C. J., in chambers); see also *Nken v. Holder*, 556 U.S. 418, 434 (2009). In any given case, each of these considerations bears on the appropriateness of the requested intervention and is a prerequisite to obtaining relief.

The Court has plainly botched this assessment today. It requires next to nothing from the Government with respect to irreparable harm. And it undervalues the devastating consequences of allowing the Government to precipitously upend the lives and livelihoods of nearly half a million noncitizens while their legal claims are pending. Even if the Government is likely to win on the merits, in our legal system, success takes time and the stay standards require more than anticipated victory. I would have denied the Government's application because its harm-related showing is patently insufficient. The balance of the equities also weighs heavily in respondents' favor. While it is apparent that the Government seeks a stay to enable it to inflict maximum predecision damage, court-ordered stays exist to minimize—not maximize—harm to litigating parties.

I

A

Nearly half a million Cuban, Haitian, Nicaraguan, and Venezuelan noncitizens are presently in the United States, after fleeing their home countries, by virtue of temporary permission granted to them by the Department of Homeland Security (DHS). Under the "CHNV" program, individuals from these conflict-ridden countries receive "parole" status for up to two years, which allows them to live in the United States and, in some cases, work here lawfully. Parole is discretionary by statute. DHS awards parole status through a competitive and detailed application process that

involves a rigorous, individualized assessment of the applicant's circumstances.

On January 20, 2025, the President issued an Executive Order that instructed the DHS Secretary to “[t]erminate all categorical parole programs,” including CHNV. Exec. Order No. 14165, § 7(b), 90 Fed. Reg. 8468. DHS thereafter announced the termination of the lawful status of all CHNV parolees in one fell swoop, through a single Federal Register Notice. 90 Fed. Reg. 13611.

Respondents, who had already filed a putative class action in the District of Massachusetts, amended their complaint to challenge the DHS Notice. They alleged, as relevant, that the Secretary had acted arbitrarily and capriciously, contrary to law, and in excess of her legal authority by prematurely terminating their parole. See Second Amended Complaint in No. 1:25-cv-10495 (D Mass.), ECF Doc. 68, p. 101, ¶4. The District Court temporarily stayed DHS's Notice; in its view, *inter alia*, the federal statute requires that parole terminations occur on a case-by-case basis, rather than en masse. 778 F. Supp. 3d 311, 339 (Mass. 2025); see also 8 U. S. C. § 1182(d)(5)(A). The First Circuit declined to disturb that decision pending appeal but invited “[a]ny party intending to seek expedited briefing of the merits” to “file an appropriate motion as soon as practicable.” App. to Application for Stay 46a. Rebuffing the First Circuit's invitation, the Government filed a stay application with us.

B

The decision whether to stay a lower court's order does not reflect a back-of-the-napkin assessment of which party has the better legal argument. Rather, “the dilemma [that] stays historically addressed” was “what to do when there is insufficient time to resolve the merits and irreparable harm may result from delay.” *Nken*, 556 U. S., at 432. The central question, then, is whether the applicant can be made to wait until the conclusion of the litigation to vindicate their purported legal rights, or whether irreparable harm will befall the applicant in the interim such that the court must act early to stave off that damage, for equity's sake.

Consistent with this principle, this Court has long understood that the “authority to grant stays” is only justified by the “need ‘to prevent irreparable injury to the parties or to the public’ pending review.” *Ibid.* (quoting *Scripps-Howard Radio, Inc. v.*

FCC, 316 U.S. 4, 9 (1942)). Hence, even if the applicants are likely to succeed on the merits of their legal claims, we also ask whether they have demonstrated irreparable harm. *Hollingsworth*, 558 U.S., at 190. In addition, the successful stay applicants must show that the harm they would face from not receiving a stay is greater than the harm that the opposing party would face if a stay were granted, as well as that the requested stay is in the public interest. See *ibid.*; *Nken*, 556 U.S., at 434. Where, as here, the Government is a party, the balance-of-the-equities and public-interest factors merge. *Id.*, at 435.

Notably, if the court of appeals has already denied the request for a stay, the applicant bears an “‘especially heavy burden’” to receive a stay from *this* Court. *Edwards v. Hope Medical Group for Women*, 512 U.S. 1301, 1302 (1994) (Scalia, J., in chambers) (quoting *Packwood v. Senate Select Comm. on Ethics*, 510 U.S. 1319, 1320 (1994) (Rehnquist, C. J., in chambers)). We have long viewed such an intervention as “extraordinary.” *Graves v. Barnes*, 405 U.S. 1201, 1203 (1972) (Powell, J., in chambers) (explaining that stays pending appeal from this Court “are granted only in extraordinary circumstances”). Consequently, we have deemed the irreparable-harm showing indispensable. *Ibid.* Indeed, “[a]n applicant’s likelihood of success on the merits need not [even] be considered . . . if the applicant fails to show irreparable injury from the denial of the stay.” *Ruckelshaus v. Monsanto Co.*, 463 U.S. 1315, 1317 (1983) (Blackmun, J., in chambers); see also, e.g., *Rubin v. United States*, 524 U.S. 1301 (1998) (Rehnquist, C. J., in chambers).

The bottom line is this: Our decision to issue a stay (or not) involves more—*much* more—than merely forecasting the eventual victor; after all, the underlying litigation is designed for and dedicated to determining *that*. What stays are about, at their core, is an equitable assessment of who will be harmed, and to what extent, during the litigation process, with the ultimate goal of reducing the real-world consequences of the unavoidable, pending-case-related delay.

II

In this case, the Government has plainly failed to satisfy its burden of demonstrating irreparable harm. *Nken*, 556 U.S., at 433–434. DHS contends that the District Court’s order prevents

it from exercising its prerogatives with respect to immigration and foreign policy, as a general matter. Application for Stay 24. But it does not establish an urgent need to effectuate blanket CHNV parole terminations *now*, before the courts can determine whether that en masse agency action is lawful. For instance, the agency does not identify any specific national-security threat or foreign-policy problem that will result from respecting extant grants of CHNV parole while this case is pending. Moreover, as the Government admits, DHS retains the ability to terminate CHNV parole on a case-by-case basis should such a particular need arise, consistent with the District Court's order. *Id.*, at 26. The lack of any concrete or irreparable injury to the Government from having to wait to claim its (assumed) victory is especially salient in light of the First Circuit's willingness to expedite its consideration of the merits of this matter—an invitation that the Government eschewed for more than three weeks.

The Government's failure to show irreparable harm should end the inquiry; its stay application fails on that basis alone. See *Ruckelshaus*, 463 U. S., at 1316–1317. But an evaluation of the balance-of-the-equities factor provides an additional reason why our intervention staying the District Court's order is not appropriate.

Respondents have shown that tangible, imminent, and significant harm is likely to befall them if this Court grants the application and issues a stay. A stay would “immediately effectuate the *en masse* truncation of all parole grants for approximately 500,000 current CHNV parole beneficiaries in the United States.” Opposition to Stay 16. Many parole recipients arrived here (at the invitation of the U. S. Government) because their home countries were afflicted by strife or they were otherwise subject to unsafe living or working conditions. Parolees have sponsors here and, in many cases, have integrated into American neighborhoods and communities in the hopes of eventually securing long-term legal status (*e.g.*, asylum). No one disputes that social and economic chaos will ensue if that many noncitizen parolees are suddenly and summarily remanded.

Respondents now face two unbearable options. On the one hand, they could elect to leave the United States and, thereby, confront “dangers in their native countries,” experience destructive “family separation,” and possibly “forfeit any opportunity to

obtain a remedy based on their . . . claims,” as the District Court found. 778 F. Supp. 3d, at 329. On the other, they could remain in the United States after parole termination and risk imminent removal at the hands of Government agents, along with its serious attendant consequences. See *ibid.* (confirming that respondents “may be subject to arrest and detention,” “will no longer be authorized to work legally in this country,” and will lose “opportunities to seek any adjustment of status”).

Either choice creates significant problems for respondents that far exceed any harm to the Government, should this Court decline the stay request. Both options might also deprive this Court of jurisdiction to decide respondents’ pending claims. At a minimum, granting the stay would facilitate needless human suffering before the courts have reached a final judgment regarding the legal arguments at issue, while denying the Government’s application would not have anything close to that kind of practical impact.

* * *

With the stakes as high as they are in this case, measured in terms of real harm to real people, one might reasonably expect the Government to step up to equity’s scale with a mountain of harm-related arguments, bolstered by evidence. The Government bears the burden of showing why it, or the public, will be irreparably injured should it be prevented from exercising its policy preferences *now*—*i. e.*, while the lawfulness of this agency action is being litigated. This Court has repeatedly denied similar stay requests from federal agencies in recent years, unmoved by the bald contention that the Government is irreparably harmed whenever its “substantial interest in carrying out the President’s policies,” Application for Stay 24, is burdened. See, *e. g.*, Application in *Biden v. Texas*, No. 21A21, p. 4 (arguing that an injunction forcing the Government to comply with Migrant Protection Protocols (MPP) “imposes a severe and unwarranted burden on Executive authority over immigration policy and foreign affairs by ordering the government to precipitously re-implement a discretionary program that the Secretary has determined was critically flawed”); *Biden v. Texas*, 594 U. S. 975 (2021) (denying the Government’s application for a stay of the lower court’s MPP-related injunction); see also Application in *United States v. Texas*, No. 22A17, p. 38 (contending that the vacatur of a DHS Guidance document “causes irreparable harm to [DHS] by interfering with

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its authority to exercise [immigration] enforcement discretion and allocate resources toward [the Secretary's] priorities" (internal quotation marks omitted; some alterations in original)); *United States v. Texas*, 597 U. S. 952 (2022) (denying application for a stay).

The Government says no more than that today. Yet, somehow, the Court has now apparently determined that the equity balance weighs in the Government's favor, and, I suppose, that it is in the public's interest to have the lives of half a million migrants unravel all around us before the courts decide their legal claims. Even assuming a likelihood that the law permits the Government to terminate parole grants in this fashion, I would let the courts decide that highly consequential legal issue first—consistent with standard stay practices and, especially, the necessary harm-centered focus. Instead, the Court allows the Government to do what it wants to do regardless, rendering constraints of law irrelevant and unleashing devastation in the process.

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Dismissal Under Rule 46

No. 24–813. *CHEVRON USA INC. ET AL. v. PLAQUEMINES PARISH, LOUISIANA, ET AL.* C. A. 5th Cir. Certiorari dismissed as to petitioner Burlington Resources Oil & Gas Co. under this Court's Rule 46. Certiorari remains pending as to all other petitioners.

Certiorari Dismissed

No. 24–6916. *LETTIERI v. SUFFOLK COUNTY POLICE.* 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.

Miscellaneous Orders

No. 24M89. *SLAUGHTER v. BOARD OF PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF TENNESSEE.* Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 24–909. *AGUDAS CHASIDEI CHABAD OF UNITED STATES v. RUSSIAN FEDERATION ET AL.* C. A. D. C. Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE KAVANAUGH took no part in the consideration of this petition. JUSTICE JACKSON took no part in

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the consideration of this petition. See 28 U. S. C. § 455 and Code of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior judicial service).

No. 24–917. DUKE ENERGY CAROLINAS, LLC, ET AL. *v.* NTE CAROLINAS II, LLC, ET AL. C. A. 4th Cir.; and

No. 24–1062. HERTZ CORP. ET AL. *v.* WELLS FARGO BANK, N. A., AS INDENTURE TRUSTEE, ET AL. C. A. 3d Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 24–6750. RAMBARANSINGH *v.* BANK OF AMERICA N. A., INDIVIDUALLY AND AS SUCCESSOR BY MERGER TO LASALLE BANK, ET AL. Dist. Ct. App. Fla., 5th Dist.; and

No. 24–6904. JAIYEOLA *v.* GARMIN INTERNATIONAL, INC. C. A. 10th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until June 23, 2025, 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. 24–7175. IN RE OGDEN. Petition for writ of habeas corpus denied.

No. 24–7174. IN RE PATEL. 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*).

No. 24–6874. IN RE BATSON;

No. 24–6910. IN RE GREEMAN; and

No. 24–7137. IN RE CARPENTER. Petitions for writs of mandamus denied.

No. 24–6899. IN RE RIVERA. 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. 24–6872. IN RE HARRISON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of

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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 Granted

No. 24–568. *BOST ET AL. v. ILLINOIS STATE BOARD OF ELECTIONS ET AL.* C. A. 7th Cir. Certiorari granted. Reported below: 114 F. 4th 634.

No. 24–624. *CASE v. MONTANA.* Sup. Ct. Mont. Certiorari granted. Reported below: 417 Mont. 354, 553 P. 3d 985.

No. 24–758. *GEO GROUP, INC. v. MENOCAL ET AL.* C. A. 10th Cir. Certiorari granted.

No. 24–924. *HENCELY v. FLUOR CORP. ET AL.* C. A. 4th Cir. Motion of Center for Military Law and Policy et al. for leave to file brief as *amici curiae* granted. Certiorari granted. Reported below: 120 F. 4th 412.

Certiorari Denied

No. 23–832. *PORAT v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 24–241. *BAKER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 24–286. *BOLOS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 24–678. *WHEELER v. UNITED STATES; DIAZ v. UNITED STATES; and MARTIN v. UNITED STATES.* C. A. Armed Forces. Certiorari denied.

No. 24–684. *MEADORS ET AL. v. ERIE COUNTY BOARD OF ELECTIONS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–754. *MOUNT CLEMENS RECREATIONAL BOWL, INC., ET AL. v. HERTEL, DIRECTOR, MICHIGAN DEPARTMENT OF*

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HEALTH AND HUMAN SERVICES, ET AL. Ct. App. Mich. Certiorari denied.

No. 24-757. GYM 24/7 FITNESS, LLC *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 24-803. SULLIVAN *v.* TEXAS ETHICS COMMISSION. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 24-903. ATTURO TIRE CORP. *v.* TOYO TIRE CORP. ET AL. C. A. Fed. Cir. Certiorari denied.

No. 24-904. ALPINE SECURITIES CORP. *v.* FINANCIAL INDUSTRY REGULATORY AUTHORITY ET AL. C. A. D. C. Cir. Certiorari denied.

No. 24-908. LOZMAN *v.* CITY OF RIVIERA BEACH, FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 24-910. CRAWFORD *v.* CAIN, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied.

No. 24-1033. CHICO VIETTI, INDIVIDUALLY AND AS PARENT AND NEXT FRIEND OF A. R. V. ET AL., MINOR CHILDREN *v.* WELSH & MCGOUGH, PLLC, ET AL. C. A. 10th Cir. Certiorari denied.

No. 24-1042. PARKER *v.* BURNES ET AL. Ct. App. Ore. Certiorari denied.

No. 24-1043. PLUMMER *v.* KAISER FOUNDATION HOSPITALS ET AL. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 24-1047. MCVAE, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF MCVAE, DECEASED, ET AL. *v.* PEREZ. C. A. 5th Cir. Certiorari denied.

No. 24-1059. JEAN-BAPTISTE *v.* DEPARTMENT OF JUSTICE ET AL. C. A. 2d Cir. Certiorari denied.

No. 24-1064. DOE *v.* TENNESSEE ET AL. C. A. 6th Cir. Certiorari denied.

No. 24-1065. HAASE *v.* DEUTSCHE BANK NATIONAL TRUST CO. Ct. App. Tex., 1st Dist. Certiorari denied.

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No. 24–1081. *RHODES v. GIFFORD*. C. A. 4th Cir. Certiorari denied.

No. 24–1094. *ANTONACCI v. EMANUEL ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–1100. *JOSHI v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–1106. *MONA v. MICROBOT MEDICAL, INC.* C. A. 2d Cir. Certiorari denied.

No. 24–1112. *SHOUP v. INDIANA*. Certiorari denied.

No. 24–1127. *CLARDY v. NELSEN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 24–1141. *ITEN, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ITEN v. COUNTY OF LOS ANGELES, CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 24–6378. *DAVIS v. COOL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 24–6560. *PASTERNAK v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6668. *LEE v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY*. C. A. 9th Cir. Certiorari denied.

No. 24–6669. *STUMP v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6782. *LINDSEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6818. *HUNT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6869. *THOMAS v. QUICKTRIP CORP.* C. A. 11th Cir. Certiorari denied.

No. 24–6871. *JIMENEZ v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 24–6877. *AMANDA M. v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

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No. 24–6880. *WENDELL v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 24–6881. *ROWELL v. ADULT REPRESENTATION SERVICES ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–6882. *ROMIG v. BRITTAIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–6883. *NEWSOME v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–6887. *RIVERS ET AL. v. SMITH*. Sup. Ct. S. C. Certiorari denied.

No. 24–6895. *WIGGINS v. GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 24–6900. *HAMMERSLEY v. WISCONSIN*. Ct. App. Wis. Certiorari denied.

No. 24–6908. *GOLDSBORO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 24–6911. *HALL v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 24–6912. *TALLEY ET AL. v. HORN ET AL.* (two judgments). C. A. 3d Cir. Certiorari denied.

No. 24–6915. *SLOAN v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 24–6918. *BERMAN v. MODELL ET AL.* Sup. Ct. Md. Certiorari denied.

No. 24–6943. *DUNCAN v. CURATORS OF THE UNIVERSITY OF MISSOURI ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–6974. *MEJIA v. GREENE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 24–7013. *SCHOROVSKY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 24–7027. *HOUSE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 24–7031. *KUEHNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–7032. *VARGAS VELEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7034. *DORCINVIL v. KOPP, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 24–7036. *PADILLA-GALARZA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 24–7040. *MCGARITY v. SPROUL, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 24–7041. *RODRIGUEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–7043. *OWEN v. KEISEL, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 24–7044. *BOWERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–7045. *SUTTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–7050. *CARLOS SOTELO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7052. *ASHFORD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–7053. *BRITO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7058. *CANNADY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7059. *MAGEE v. LOUISIANA*. Sup. Ct. La. Certiorari denied.

No. 24–7060. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 24–7062. *OAKLEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–7068. *BOYKIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7069. *ADAMS v. UNITED STATES*. C. A. Armed Forces. Certiorari denied.

No. 24–7071. *PALACIOS-DE PAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7072. *NGUYEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7075. *BARNES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–7078. *VASQUEZ-LANDAUER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 24–7082. *LLAUSAS-SILVA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7083. *CAZARES v. JOHNSON, DIRECTOR, DIVISION OF ADULT PAROLE OPERATIONS, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

No. 24–7090. *RAMIREZ-ZERMENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7091. *REYES-TAFOLLA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7092. *TRYALS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7093. *VELAZQUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7095. *LOPEZ-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7100. *HARRIS v. FRAUENHEIM, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 24–7103. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–7109. *NESS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 24–7112. *GONZALEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–7113. *GRAHAM v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–7114. *FLINT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–7115. *WILKERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–7123. *THURMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–7127. *BECK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 24–7135. *JACKSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–7490. *NICHOLSON v. W. L. YORK, INC., DBA COVER GIRLS, ET AL.* C. A. 5th Cir. Certiorari denied.

JUSTICE JACKSON, with whom JUSTICE SOTOMAYOR joins, dissenting.

Chanel Nicholson claims that, on numerous occasions between 2013 and 2021, she was barred from entering her workplace because of her race. Nicholson filed this lawsuit in 2021, alleging intentional race discrimination in violation of 42 U.S.C. § 1981. According to Nicholson’s complaint, the most recent instances of race discrimination occurred within the four-year statute of limitations. But the Court of Appeals nonetheless concluded that these claims were time barred. In the panel’s view, the more recent acts were merely the “continued effects” of prior instances of race-based exclusion and thus were not independently actionable.

That holding flouts this Court’s clear precedents. We have long held that “[e]ach discrete discriminatory act starts a new clock for filing charges alleging that act,” regardless of whether similar

instances of discrimination have occurred in the past. *National Railroad Passenger Corporation v. Morgan*, 536 U.S. 101, 113 (2002). Because the Fifth Circuit's contrary ruling was patently erroneous, this Court should have granted Nicholson's petition and summarily reversed the judgment. I respectfully dissent from the Court's decision to do otherwise.

I

A

Chanel Nicholson is an adult entertainer who performed at a pair of clubs in Houston, Texas, called Splendor and Cover Girls, during the mid-2010s. Both clubs were owned and operated by the same individuals. Each club required dancers like Nicholson to sign a "License and Access Agreement" that guaranteed the performer the right to "se[t] her own schedule of when and what hours she works" and "arrive and leave the premises at any time without penalty." App. B to Third Amended Complaint (TAC) in No. 4:21-cv-2624 (SD Tex., June 24, 2022), ECF Doc. 47-2, p. 6, ¶3; App. C to TAC, ECF Doc. 47-3, p. 7, ¶3. Nicholson signed the agreement with Splendor in 2014 and performed at the establishment through 2016. She signed the Cover Girls agreement in 2016 and performed there through 2017.

According to Nicholson, who is African American, race discrimination pervaded the environments of both clubs. Splendor and Cover Girls were "well-known" to "severely limi[t] the total number of Black Dancers on their respective premises," TAC, ECF Doc. 47, p. 10, ¶40, because "upper management did not want too many Black Dancers" present on any given night, *id.*, at 7, ¶29. One former Cover Girls manager confirmed that it was "widely known and well-accepted that black (African American) girls generally are not given positions as dancers in these" establishments. App. D to TAC, ECF Doc. 47-4, p. 1, ¶5 (Decl. of A. Skwera). This policy was apparently so well established that, when the clubs' director of operations discovered that the manager had hired African American dancers at Cover Girls, he revoked the manager's hiring privileges. *Id.*, at 2, ¶8.

As relevant here, Nicholson alleges that management-level employees at Splendor and Cover Girls would bar Black dancers from entering those establishments if too many other Black performers were already present. "[O]n a number of occasions," she alleges, "the door girl or an acting manager would send [Nichol-

son] home after [she] arrived for her shift because there were already ‘too many black girls’ working.” ECF Doc. 47, at 7, ¶28. Nicholson estimates that, of the six to seven days per week that she would try to work at each club, she was turned away on approximately three of the days due to her race. Nicholson Deposition Tr. in No. 4:21-cv-2624 (SD Tex., Dec. 5, 2022), ECF Doc. 61–1, pp. 14, 20–21. In particular, Nicholson alleges that, while working at Cover Girls in November 2017, she was once again “told by a manager that she could not perform because there were already ‘too many black girls’” in the club. ECF Doc. 47, at 8, ¶34. Nicholson eventually got “tired of being treated like that” and stopped performing at Cover Girls entirely. ECF Doc. 61–1, at 13.

Nicholson took a hiatus from dancing between 2018 and 2021, during which time her License and Access Agreements remained valid. She attempted to return to performing at Splendor in August 2021. But a manager again refused her entry, telling her they were “not taking any more black girls.” *Id.*, at 21; see also ECF Doc. 47, at 9, ¶37. During this conversation, Nicholson saw a White dancer enter the club, seemingly preparing to start her shift. *Ibid.*, ¶38.

B

In August 2021, Nicholson filed a lawsuit against Splendor and Cover Girls. Invoking 42 U.S.C. §1981, she claimed that the clubs had engaged in intentional race discrimination by barring her entrance and that of other women of color. Nicholson’s complaint alleged that these acts had “deprive[d]” her “of the same right to make and enforce contracts as Caucasian female entertainers.” ECF Doc. 47, at 16, ¶54.

As relevant to this dispute, two of Nicholson’s §1981 claims survived a motion to dismiss: one against Splendor for being denied access to the club in August 2021, and one against Cover Girls for being denied access in November 2017. Both events allegedly occurred within the four-year period before Nicholson’s August 2021 filing. The District Court nevertheless granted summary judgment in favor of the clubs and against Nicholson, on the ground that her claims regarding these allegedly discriminatory acts were untimely. App. C to Pet. for Cert. 10, 14.

The Fifth Circuit affirmed. In its view, Nicholson “was first denied access to Splendor’s premises as early as a week after signing her [License and Access Agreement] in September 2014,”

and that same discriminatory treatment had merely “continued.” App. A to Pet. for Cert. 8–9. The court thus concluded that Nicholson’s “claims of unlawful discrimination began to accrue in 2014,” *id.*, at 9, because she “was first turned away by Splendor for a discriminatory reason in 2014 and, when she checked back in with Splendor in 2021, nothing had changed,” *id.*, at 8; see also *ibid.* (“Splendor’s position [had] remained the same: Nicholson was refused access to the premises because she was Black”). According to the Fifth Circuit, “her denial of access to the club . . . on account of her race” in 2021 was “merely a continued effect of the first alleged discriminatory act that took place in 2014.” *Id.*, at 9; see also *id.*, at 7.

The panel reached the same conclusion with respect to Nicholson’s §1981 claim against Cover Girls. “[A]s early as her first week after signing the [License and Access Agreement] with Cover Girls in November 2016, she was denied access to the club on account of her race.” *Id.*, at 10. And “nothing [had] changed when she returned to Cover Girls in November 2017—she was again denied access on account of her race.” *Ibid.* Thus, Nicholson’s claim against Cover Girls “began to accrue when she signed the [agreement] with the club in November 2016,” and this “first act of discrimination . . . merely remained ongoing when she returned in 2017.” *Ibid.*

II

The Fifth Circuit’s analysis of the statute of limitations is patently erroneous under our longstanding precedents.

A

First enacted after the Civil War, §1981 creates a federal cause of action for claims of intentional race discrimination in contracting. The statute specifically guarantees that “[a]ll persons within the jurisdiction of the United States shall have the same right . . . to make and enforce contracts . . . as is enjoyed by white citizens.” §1981(a). This Court has further recognized that §1981 establishes liability for purposeful discrimination wherever race is a but-for cause of the relevant injury. See *General Building Contractors Assn., Inc. v. Pennsylvania*, 458 U.S. 375, 391 (1982); *Comcast Corp. v. National Assn. of African American-Owned Media*, 589 U.S. 327, 341 (2020).

Discrimination claims concerning contract performance are subject to a four-year statute of limitations. 28 U.S.C. §1658(a);

see also *Jones v. R. R. Donnelley & Sons Co.*, 541 U. S. 369, 383 (2004). For claims involving discrete acts of discrimination, that statute of limitations commences on the date of the alleged discriminatory act. See *Chardon v. Fernandez*, 454 U. S. 6, 8 (1981) (*per curiam*) (“[T]he proper focus” of this inquiry is “the time of the *discriminatory act*, not the point at which the *consequences* of the act become painful”). The statute of limitations for a § 1981 claim based on a “discrete discriminatory ac[t]” thus generally runs from the day that the act “‘happened.’” *Morgan*, 536 U. S., at 110.

Here, Nicholson’s complaint alleges two discrete instances of discriminatory treatment by the clubs’ managers and employees. Nicholson claims that Splendor and Cover Girls prevented Black dancers from working at the clubs if a sufficient number of other Black dancers were already present. She alleges, in particular, that she was barred from entering the clubs because of her race in November 2017 and August 2021, despite her contractual right to “se[t] her own schedule” and “arrive and leave the premises at any time without penalty.” ECF Doc. 47–2, at 6, ¶3; ECF Doc. 47–3, at 7, ¶3. Thus, as alleged in her complaint, Nicholson suffered two adverse and discriminatory actions—race-based exclusion from the clubs on two occasions—that took place within the four-year limitations period. This constitutes a textbook example of actionable conduct under § 1981. See, e. g., *Morgan*, 536 U. S., at 113.

Contrast this with discrimination claims involving actions that are not themselves discriminatory, and thus do not provide independent bases for § 1981 liability or restart the statute-of-limitations clock. Sometimes plaintiffs point to adverse actions that are race neutral but nonetheless reflect the “continued effects” of earlier discriminatory decisions. Consider a professor who is initially denied tenure because of his race. That denial would be race-based and actionable under § 1981, and the professor’s claim would accrue “at the time the tenure decision was made and communicated to” him. *Delaware State College v. Ricks*, 449 U. S. 250, 258 (1980). But, notably, if the university later decides (neutrally) to discharge any faculty members who had been denied tenure, the statute of limitations for the professor’s race-discrimination claim would *still* run from the initial tenure decision. *Id.*, at 253, 258. That is because the race-based tenure denial was the discriminatory cause of the professor’s race-

neutral termination. In other words, if the professor's subsequent termination is merely "a delayed, but inevitable, consequence" of the earlier discriminatory tenure decision, the discrimination claim accrues "at the time the tenure decision was made and communicated to" the plaintiff, not at the time of his later termination. *Id.*, at 257–258; see also *Chardon*, 454 U.S., at 8 ("The fact of termination is not itself an illegal act").

The adverse actions that Nicholson identifies are different because they exhibit no such neutrality. The clubs' policy of excluding Black dancers, if proven true, is discriminatory—but so, too, is each decision to bar a dancer from the premises because of her race. Nicholson's allegations—that, due to her race, she was barred from entering Cover Girls in November 2017 and Splendor in August 2021—are claims of unlawful discrimination that are actionable on their own terms.

The fact that Nicholson allegedly suffered similar acts of race discrimination in the past has no bearing on whether those two claims can proceed. As this Court has made abundantly clear, "[t]he existence of past acts and the employee's prior knowledge of their occurrence . . . does not bar employees from filing [claims] about related discrete acts so long as the acts are independently discriminatory." *Morgan*, 536 U.S., at 113. Rather, "[e]ach discrete discriminatory act starts a new clock for filing charges alleging that act." *Ibid.*

B

That last point bears repeating plainly, in light of the Fifth Circuit's obvious confusion: If the discrete act that is the subject of the plaintiff's discrimination complaint is itself discriminatory, and if it allegedly occurred within the statute of limitations period, then that discrimination claim is timely—full stop.

To be sure, "discrete acts that fall *within* the statutory time period do not make timely acts that fall *outside* the time period." *Id.*, at 112 (emphasis added). But it does not follow that acts falling outside of the time period can make *untimely* those that fall squarely within it.

Nor does the continuing-violations doctrine—which applies to hostile work environment claims and similar legal claims that are "based on the cumulative effect of individual acts," *id.*, at 115—play any role in the proper analysis. Hostile work environment claims "are different in kind from discrete acts" because "[t]heir very nature involves repeated conduct" that "may not be action-

able on its own.” *Ibid.* Such claims are therefore based on a “series of separate acts that collectively constitute one ‘unlawful employment practice.’” *Id.*, at 117. Additionally, because of the unique nature of hostile work environment claims, the statute of limitations accrues from the most recent act that contributed to the claim, enabling suit for harassment that might have started outside the limitations window. See *ibid.*¹ For discrete-act claims such as Nicholson’s, however, liability “does not depend upon proof of repeated conduct extending over a period of time.” *Id.*, at 120, n. 12.

The Fifth Circuit’s central misstep, then, was to conclude that past acts of race discrimination that are materially identical to subsequent discriminatory acts prevent the later acts from being actionable. In the panel’s view, because the clubs’ racially discriminatory positions had “remained the same” from the first alleged acts of discrimination to the last—*i. e.*, because “Nicholson was [persistently] refused access to the premises because she was Black,” App. A to Pet. for Cert. 8—Nicholson had four years from the initial manifestation of this club practice to file her lawsuit. Nicholson’s race-based exclusion in 2017 and 2021 was certainly not surprising, given the clubs’ history of discrimination. But that does not make those exclusions nondiscriminatory. All it shows is that Nicholson experienced *multiple* acts of discrimination, each occurrence of which, if alleged within the statute of limitations, states a claim under § 1981.

C

Given the above principles, calculating the statute of limitations for Nicholson’s claims should have been straightforward. A discrete discriminatory act “‘occur[s]’ on the day that it ‘happened.’” *Morgan*, 536 U. S., at 110. Here, Nicholson alleges that she was barred from entering the clubs due to her race in November 2017 and August 2021.² The four-year statute of limitations for

¹The continuing-violations construct does the work of pulling all of the relevant conduct *within* the statute of limitations, even if it occurred outside of that timeframe. Thus, even where relevant, that doctrine does not operate to *preclude* liability for acts that fall within the statutory timeframe.

²The primary briefs that Nicholson and respondents filed in both the Fifth Circuit and this Court repeatedly characterized Nicholson’s claims as alleging “discrete” acts of discrimination. See, *e. g.*, Pet. for Cert. 24 (“Petitioner is only claiming for one discrete event: denial of her access to Splendor to

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Nicholson’s November 2017 claim against Splendor would lapse in November 2021, and the statute of limitations for her August 2021 claim against Cover Girls would expire in August 2025. Nicholson’s filing—which occurred in August 2021—satisfied both of these statutory timelines.

To conclude that Nicholson’s claims are time barred because there were earlier instances of discriminatory treatment, as the Fifth Circuit did, impermissibly inoculates the clubs’ more recent discriminatory conduct. If sustained discriminatory motivation is all that is required to transform recent, racially discriminatory acts into the “continued effects” of earlier discriminatory conduct, then past discrimination could inexplicably prevent recovery for later, similarly unlawful conduct. Quite to the contrary, §1981’s statute of limitations plainly authorizes a legal challenge that is brought within four years of when the discriminatory acts occurred, regardless of whether the plaintiff was previously subjected to similar unlawful conduct, too.

* * *

Chanel Nicholson alleges that she was prohibited from entering her workplace on account of her race. Nicholson needed to file her §1981 suit within four years of those discriminatory acts—which she did. As such, §1981’s statute of limitations should have posed no barrier to Nicholson obtaining judicial review of her claims. In my view, the Court should have granted Nicholson’s petition and summarily reversed the Fifth Circuit’s patently erroneous conclusions about the untimeliness of her claims.

No. 24–131. OCEAN STATE TACTICAL, LLC, DBA BIG BEAR HUNTING AND FISHING SUPPLY ET AL. *v.* RHODE ISLAND ET AL. C. A. 1st Cir. Certiorari denied. JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE GORSUCH would grant the petition for writ of certiorari.

work, in 2021”); *id.*, at 26 (“Plaintiff’s denial of access to Cover Girls in late November 2017 was simply one more discrete, discriminatory act”); Brief in Opposition 9 (adopting Nicholson’s characterization); see also Brief for Appellant in No. 23–20440 (CA5), ECF Doc. 21, pp. 18–19 (“[T]his denial of access was a discrete act of discrimination commencing a new . . . statute of limitations clock”). This opinion thus eschews construing Nicholson’s allegations as pattern-or-practice claims, as the reply brief filed in this Court on Nicholson’s behalf now urges. Reply to Brief in Opposition 1–3.

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No. 24–203. SNOPE ET AL. *v.* BROWN, ATTORNEY GENERAL OF MARYLAND, ET AL. C. A. 4th Cir. Certiorari denied. JUSTICE ALITO and JUSTICE GORSUCH would grant the petition for writ of certiorari. Reported below: 111 F. 4th 438.

Statement of JUSTICE KAVANAUGH respecting the denial of certiorari.

In *District of Columbia v. Heller*, this Court ruled that the Second Amendment must be interpreted in light of constitutional text, history, and tradition. 554 U. S. 570, 576–628 (2008). The Court further determined that the Second Amendment protects those weapons that are in “common use” by law-abiding citizens. *Id.*, at 624, 627. Because handguns are in common use by law-abiding citizens, the Court held that the District of Columbia’s ban on handguns violated the Second Amendment. *Id.*, at 628–629. The Court’s later Second Amendment decisions in *Bruen* and *Rahimi* did not disturb the historically based “common use” test with respect to the possession of particular weapons. See *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U. S. 1, 47 (2022); see also *United States v. Rahimi*, 602 U. S. 680, 735–736 (2024) (KAVANAUGH, J., concurring); *post*, at 983–989 (THOMAS, J., dissenting from denial of certiorari).

This case primarily concerns Maryland’s ban on the AR–15, a semi-automatic rifle. Americans today possess an estimated 20 to 30 million AR–15s. And AR–15s are legal in 41 of the 50 States, meaning that the States such as Maryland that prohibit AR–15s are something of an outlier. See *Staples v. United States*, 511 U. S. 600, 612 (1994) (stating that AR–15s “traditionally have been widely accepted as lawful possessions”).

Given that millions of Americans own AR–15s and that a significant majority of the States allow possession of those rifles, petitioners have a strong argument that AR–15s are in “common use” by law-abiding citizens and therefore are protected by the Second Amendment under *Heller*. See *Heller v. District of Columbia*, 670 F. 3d 1244, 1286–1288 (CA DC 2011) (Kavanaugh, J., dissenting). If so, then the Fourth Circuit would have erred by holding that Maryland’s ban on AR–15s complies with the Second Amendment.

Under this Court’s Second Amendment precedents, moreover, it can be analytically difficult to distinguish the AR–15s at issue here from the handguns at issue in *Heller*. AR–15s are semi-

automatic, but so too are most handguns. (Semi-automatic handguns and rifles are distinct from automatic firearms such as the M-16 automatic rifle used by the military.) Law-abiding citizens use both AR-15s and handguns for a variety of lawful purposes, including self-defense in the home. For their part, criminals use both AR-15s and handguns, as well as a variety of other lawful weapons and products, in unlawful ways that threaten public safety. But handguns can be more easily carried and concealed than rifles, and handguns—not rifles—are used in the vast majority of murders and other violent crimes that individuals commit with guns in America.

In short, under this Court's precedents, the Fourth Circuit's decision is questionable. Although the Court today denies certiorari, a denial of certiorari does not mean that the Court agrees with a lower-court decision or that the issue is not worthy of review. The AR-15 issue was recently decided by the First Circuit and is currently being considered by several other Courts of Appeals. See *Capen v. Campbell*, 134 F. 4th 660 (CA1 2025); see also, e.g., *National Assn. for Gun Rights v. Lamont*, 685 F. Supp. 3d 63 (Conn. 2023), appeal pending, No. 23-1162 (CA2); *Association of N. J. Rifle & Pistol Clubs, Inc. v. Platkin*, 742 F. Supp. 3d 421 (NJ 2024), appeal pending, No. 24-2415 (CA3); *Viramontes v. County of Cook*, No. 1:21-cv-4595 (ND Ill., Mar. 1, 2024), appeal pending, No. 24-1437 (CA7); *Miller v. Bonta*, 699 F. Supp. 3d 956 (SD Cal. 2023), appeal pending, No. 23-2979 (CA9). Opinions from other Courts of Appeals should assist this Court's ultimate decisionmaking on the AR-15 issue. Additional petitions for certiorari will likely be before this Court shortly and, in my view, this Court should and presumably will address the AR-15 issue soon, in the next Term or two.

JUSTICE THOMAS, dissenting.

The State of Maryland prohibits ownership of AR-15s, the most popular civilian rifle in America. Md. Crim. Law Code Ann. § 4-303(a)(2) (2025). This petition presents the question whether this ban is consistent with the Second Amendment. The Fourth Circuit held that it is, reasoning that AR-15s are not “arms” protected by the Second Amendment. *Bianchi v. Brown*, 111 F. 4th 438, 448 (2024) (en banc). I would grant certiorari to review this surprising conclusion.

I

The Second Amendment guarantees “the right of the people to keep and bear Arms.” When raising a Second Amendment challenge, an individual has the initial burden of showing that “the Second Amendment’s plain text covers [his] conduct.” *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U. S. 1, 17 (2022). Once a challenger makes that showing, “the Constitution presumptively protects [his] conduct,” and the burden shifts to the government to “demonstrate that [its] regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Ibid.* If the government fails to make that showing, the restriction must be deemed unconstitutional. *Ibid.*

It is difficult to see how Maryland’s categorical prohibition on AR–15s passes muster under this framework. To start, AR–15s are clearly “Arms” under the Second Amendment’s plain text. In *District of Columbia v. Heller*, 554 U. S. 570 (2008), we held that the term “Arms” in this context covers all “[w]eapons of offence, or armour of defence.” *Id.*, at 581; see also *ibid.* (explaining that “Arms” include “any thing that a man wears for his defence, or takes into his hands, or useth in wrath to cast at or strike another”). Thus, “the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.” *Id.*, at 582; accord, *United States v. Rahimi*, 602 U. S. 680, 691 (2024); *Bruen*, 597 U. S., at 28; *Caetano v. Massachusetts*, 577 U. S. 411 (2016) (*per curiam*). AR–15s fall squarely within this category.

Because AR–15s are “Arms,” the burden shifts to Maryland to show that banning AR–15s is “consistent with this Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U. S., at 17. But, I am not aware of any “historical regulation” that could serve as “a proper analogue” to Maryland’s ban. *Id.*, at 28–29.

Maryland invokes the “historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’” *Heller*, 554 U. S., at 627 (citing 4 W. Blackstone, Commentaries on the Laws of England 148–149 (1769)); see Brief in Opposition 22–23. Under this tradition, however, “[a] weapon may not be banned unless it is *both* dangerous *and* unusual.” *Caetano*, 577 U. S., at 417 (ALITO, J., concurring in judgment). “[W]eapons ‘in common use’ today for self-defense” and other lawful purposes remain fully protected. *Bruen*, 597 U. S., at 32 (quoting *Heller*, 554 U. S., at 627). And, AR–15s appear to fit neatly within that category of

protected arms. Tens of millions of Americans own AR-15s, and the “overwhelming majority” of them “do so for lawful purposes, including self-defense and target shooting.” *Friedman v. Highland Park*, 577 U.S. 1039, 1042 (2015) (THOMAS, J., joined by Scalia, J., dissenting from denial of certiorari); accord, *ante*, p. 982 (KAVANAUGH, J., statement respecting denial of certiorari); *Harrel v. Raoul*, 603 U.S. 923, 923–924 (2024) (THOMAS, J., statement respecting denial of certiorari). “[A] prohibition of an entire class of ‘arms’ that is overwhelmingly chosen by American society for th[ese] lawful purpose[s]” falls outside the government’s power. *Heller*, 554 U.S., at 628.

II

Despite the foregoing, the Fourth Circuit upheld Maryland’s ban on the ground that AR-15s are not “‘constitutionally protected arms’” under the plain text of the Second Amendment. 111 F. 4th, at 448. The court acknowledged that, “[a]t first blush, it may appear that [AR-15s] fit comfortably within the term ‘arms.’” *Id.*, at 447. But, the court insisted, more is required. Because the Second Amendment “must be interpreted against its historical and legal backdrop,” the Fourth Circuit held that the challengers also had to show that “the right to possess” AR-15s falls within “the historical scope of the right to keep and bear arms.” *Id.*, at 448. The challengers could not make this showing, in the court’s view, because the Second Amendment does not protect the right to own “‘dangerous and unusual weapons,’” including AR-15s. *Id.*, at 450, 454–459.

This reasoning is dubious at least twice over. The Fourth Circuit placed too high a burden on the challengers to show that the Second Amendment presumptively protected their conduct. And, its determination that AR-15s are dangerous and unusual does not withstand scrutiny.

A

The Fourth Circuit erred by requiring *the challengers* to prove that the Second Amendment protects their right to own AR-15s—or, in the terms of our Second Amendment jurisprudence, that their conduct falls outside the historical exceptions to the right to keep and bear arms. A challenger need only show that “the plain text” of the Second Amendment covers his conduct. *Bruen*, 597 U.S., at 32. This burden is met if the law at issue “regulates” Americans’ “arms-bearing conduct.” *Rahimi*, 602

U. S., at 691. Once the challenger makes this initial showing, it is *the government's* burden to show that a historic limit on the right to bear arms nevertheless justifies its regulation. The Fourth Circuit placed the burden of producing historical evidence on the wrong party.

Our precedents make plain the Fourth Circuit's error. In *Bruen*, we had "little difficulty" determining that "the plain text of the Second Amendment" encompasses "carrying handguns publicly for self-defense." 597 U. S., at 32. We considered the historical limits on the right to bear arms only to determine whether *the State* had met its burden of proving that its regulation was historically justified. See *id.*, at 34–70. Likewise, in *Rahimi*, the Court found it self-evident that a law prohibiting individuals subject to domestic-violence restraining orders from possessing firearms "regulates arms-bearing conduct." 602 U. S., at 691, 693. The Court again considered historical limits only after shifting the burden of proof to the Government. See *id.*, at 693–702.

The Fourth Circuit based its contrary approach on an analogy to the Free Speech Clause of the First Amendment, but that analogy only underscores its error. The court reasoned that historical evidence is necessary to prevent an overbroad understanding of the Second Amendment, just as the Free Speech Clause excludes historically unprotected categories of speech such as "libel, incitement, true threats, fighting words, or falsely shouting fire in a crowded theater." 111 F. 4th, at 447. As we explained in *Bruen*, however, "*the Government* bears the burden of proving the constitutionality" of speech restrictions. 597 U. S., at 24 (emphasis added). "[T]hat burden includes showing whether the expressive conduct falls outside of the category of protected speech" by "point[ing] to historical evidence about the reach of the First Amendment's protections." *Id.*, at 24–25 (emphasis deleted). Treating the Second Amendment "like . . . other constitutional provisions," 111 F. 4th, at 448, we have similarly placed the burden on the government to show that a regulation of arms-bearing conduct falls outside the Second Amendment's protection.

Under the plain text of the Second Amendment, the challengers' only burden is to show that AR-15s are bearable "Arms"—*i.e.*, "[w]eapons of offence." *Heller*, 554 U. S., at 581. By any measure, they are.

B

The Fourth Circuit separately erred in determining that AR-15s fall within the historic exception for dangerous and unusual weapons. “A weapon may not be banned” under this principle “unless it is *both* dangerous *and* unusual.” *Caetano*, 577 U. S., at 417 (opinion of ALITO, J.). Weapons “‘in common use’ today for self-defense” are fully protected. *Bruen*, 597 U. S., at 32 (quoting *Heller*, 554 U. S., at 627). The Fourth Circuit nevertheless eschewed any inquiry into the commonality of AR-15s and the purposes for which they are used, which it dismissed as an “ill-conceived popularity test.” 111 F. 4th, at 460. Instead, the court performed its own independent investigation of AR-15s’ “utility for self-defense,” examining their “military origin,” “firepower,” and “muzzle velocity,” among other features. *Id.*, at 454–459.

Our Constitution allows the American people—not the government—to decide which weapons are useful for self-defense. “A constitutional guarantee subject to future judges’ assessments of its usefulness is no constitutional guarantee at all.” *Heller*, 554 U. S., at 634. In line with that principle, and with the tradition of prohibiting only dangerous *and unusual* weapons, we have never relied on our own assessment of how useful an arm is for self-defense before deeming it protected. In *Heller*, we found handguns protected because that “class of ‘arms’ . . . is overwhelmingly chosen by American society for th[e] lawful purpose” of “self-defense.” *Id.*, at 628. In *Caetano*, we recognized that stun guns were protected arms solely because they were not “‘unusual,’” without addressing the state court’s holding that stun guns were “‘dangerous per se at common law.’” 577 U. S., at 412; accord, *id.*, at 417 (opinion of ALITO, J.); *Bruen*, 597 U. S., at 28. And, in *Bruen*, we again found “handguns” protected solely because they are “‘in common use’ today for self-defense,” without inquiring whether they are in fact useful for that purpose. *Id.*, at 32.

In response, the Fourth Circuit’s “[m]ost importan[t]” objection to a “common use inquiry” was that it would “lea[d] to absurd consequences,” such as a constitutional right to own a “bazooka,” “ricin pellet-firing umbrella gun,” or even a “W54 nuclear warhead” if such weapons become sufficiently “popular.” 111 F. 4th, at 460 (internal quotation marks omitted). This reasoning il-

illustrates why the scope of the right to bear arms cannot turn on judicial speculation about the American people's self-defense needs. Even if some nuclear warheads are small enough for an individual to carry, no reasonable person would think to use one to defend himself. Still less could nuclear warheads ever become a *common* means of self-defense. To fend off the fantastical threat of Americans lobbing nuclear warheads at one another, the Fourth Circuit has allowed the very real threat of the government depriving Americans of the rifle that they most favor for protecting themselves and their families. Looking to the standards set "by American society" rather than our judicial colleagues, *Heller*, 554 U. S., at 628, I cannot see how AR-15s fall outside the Second Amendment's protection.*

III

I would not wait to decide whether the government can ban the most popular rifle in America. That question is of critical importance to tens of millions of law-abiding AR-15 owners throughout the country. We have avoided deciding it for a full decade. See *Harrel*, 603 U. S. 923; *Friedman*, 577 U. S. 1039. And, further percolation is of little value when lower courts in the jurisdictions that ban AR-15s appear bent on distorting this Court's Second Amendment precedents. See *Harrel*, 603 U. S., at 924 (opinion of THOMAS, J.) (discussing the Seventh Circuit's parallel conclusion that AR-15s do "not even fall within the scope of the Arms referred to by the Second Amendment"). I doubt we would sit idly by if lower courts were to so subvert our precedents involving any other constitutional right. Until we are

*The Fourth Circuit also purported to hold in the alternative that, assuming that AR-15s are protected arms, banning them is consistent with a national tradition of responding to the "threats posed by excessively harmful arms with responsive and proportional legislation." 111 F. 4th, at 464. This holding, however, is not genuinely independent of its misguided common-use analysis. To support the existence of this tradition, the Fourth Circuit identified several 19th-century laws prohibiting certain easily concealable weapons like pistols, dirks, sword canes, and Bowie knives. See *id.*, at 466–467. But, the court nowhere attempted to explain why these laws were not simply instances of States prohibiting dangerous and *unusual* weapons *not in common use* for self-defense. As the dissent noted, when these laws were challenged, 19th-century courts evaluated them based on "whether the regulated weapon was in common use for lawful purposes." See *id.*, at 510–513, 533–534 (opinion of Richardson, J.).

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vigilant in enforcing it, the right to bear arms will remain “a second-class right.” *McDonald v. Chicago*, 561 U.S. 742, 780 (2010) (plurality opinion).

The constitutional status of AR-15s is all the more urgent after this Court’s decision in *Bondi v. VanDerStok*, 604 U.S. 458 (2025). Recently amended regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) provide that a “firearm” under the Gun Control Act includes objects that “may readily be completed, assembled, restored, or otherwise converted to” a working firearm. 27 CFR §478.11 (2023). In *VanDerStok*, this Court refused to hold that definition unlawful, reasoning that an “artifact noun”—that is, a “word for a thing created by humans”—may “refer to unfinished objects,” and thus that weapon-parts kits are as regulable as the firearms they might eventually become. 604 U.S., at 470. But, “‘every single AR-15 can be converted to a machine gun using cheap, flimsy pieces of metal—including coat hangers.’” *Id.*, at 500 (THOMAS, J., dissenting) (quoting *VanDerStok v. Garland*, 86 F. 4th 179, 208 (CA5 2023) (Oldham, J., concurring)). Thus, on the Court’s logic, it seems that ATF could at any time declare AR-15s to be machineguns prohibited by federal law. 604 U.S., at 500 (opinion of THOMAS, J.) (citing 26 U.S.C. §§5861, 5871). Until we resolve whether the Second Amendment forecloses that possibility, law-abiding AR-15 owners must rely on the goodwill of a federal agency to retain their means of self-defense. That is “no constitutional guarantee at all.” *Heller*, 554 U.S., at 634. I respectfully dissent.

No. 24-1143. *ATRIUM MEDICAL CORP. v. C. R. BARD, INC.* C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

Rehearing Denied

No. 24-5069. *WATSON v. FEDEX EXPRESS*, 604 U.S. 957;

No. 24-5968. *ADKISON v. MORRISS, ACTING WARDEN*, 604 U.S. 1089;

No. 24-6386. *BOGGS v. UNITED STATES*, 604 U.S. 1216;

No. 24-6392. *MCCOY v. GONZALES ET AL.*, 604 U.S. 1138;

No. 24-6401. *ROBERTSON v. BIDEN, FORMER PRESIDENT OF THE UNITED STATES*, 604 U.S. 1233;

No. 24-6432. *EL v. MOORE*, 604 U.S. 1243;

No. 24-6565. *GOMEZ v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 604 U.S. 1217; and

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No. 24–6878. *WOOD-JIMENEZ v. NEVADA DEPARTMENT OF MOTOR VEHICLE OFFICE*, 604 U. S. 1271. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 24–867. *IQVIA INC. v. SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari dismissed under this Court’s Rule 46.

Miscellaneous Orders

No. 24A982. *DOE ET AL. v. SEATTLE POLICE DEPARTMENT ET AL.* Sup. Ct. Wash. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, denied.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS joins, respecting the denial of the application for a stay.

I concur in the Court’s denial of the application for a stay pending the filing of a petition for a writ of certiorari. Among other things, the applicants do not appear to have requested a stay from the Washington Supreme Court or any other Washington court prior to asking this Court for a stay. See this Court’s Rule 23. Furthermore, the mandate of the Washington Supreme Court was issued more than a month ago, and the applicants have not adequately explained why at this point they still face an imminent danger of irreparable harm. Supp. App. to Opposition to Application for Stay of Mandate 4a–5a.

The Court’s denial of this application, however, should not be read as an endorsement of the decision below or its interpretation of the First Amendment. The applicants are four current or former Seattle police officers who were investigated in connection with their presence in Washington, D. C., on January 6, 2021. It was found that three of these officers attended the rally on the National Mall but did not proceed from there to the U. S. Capitol and instead returned to their hotels. See 4 Wash. 3d 343, 355–356 563 P. 3d 1037, 1045 (2025). The fourth applicant went to the U. S. Capitol, but it was not found that he engaged in any illegal or unprofessional conduct, such as trespassing in restricted areas. *Id.*, at 356, 563 P. 3d, at 1045. The applicants claim—and respondents do not contest—that during the investigation they were asked, on threat of losing their jobs, about

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their political viewpoints and motivations. Application 5–6, 18.* The applicants ask only that their names be redacted from those investigatory records if they are released. *Id.*, at 6.

We have held that the First Amendment provides a measure of protection for the right to engage in anonymous political expression. See, e. g., *Talley v. California*, 362 U. S. 60, 64 (1960); *Watchtower Bible & Tract Soc. of N. Y., Inc. v. Village of Stratton*, 536 U. S. 150, 166–167 (2002). The applicants contend that this right will be violated if both their identities and their responses to questions on sensitive subjects are revealed.

The Washington Supreme Court sidestepped this argument. It reasoned that the applicants had no protected right regarding the fact that they attended public events in Washington on January 6 because they failed to produce “any evidence demonstrating they took measures to attend the [January 6] rally anonymously.” 4 Wash. 3d., at 373, 563 P. 3d, at 1053. But that reasoning ignores the fact that the officers challenge the disclosure of their responses to investigatory questions, not merely the fact of their presence in Washington, D. C.

Our denial of review in this case should not be taken as manifesting any degree of support for the proposition that the disclosure at issue in this case is consistent with the First Amendment.

No. 24A1107. *IKOME v. BONDI, ATTORNEY GENERAL*. C. A. 5th Cir. Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, denied as moot.

JUNE 6, 2025

Dismissals Under Rule 46

No. 24–612. *EKNES-TUCKER ET AL. v. MARSHALL, ATTORNEY GENERAL OF ALABAMA, ET AL.* C. A. 11th Cir. Certiorari dismissed under this Court’s Rule 46.

*According to the applicants, they were asked: “Why did they attend the January 6th Rally?” “Who did they plan to attend the Rally with?” “Were they at [the] January 6th Rally to articulate their political views?” “Were they showing support for a political group by attending the January 6th Rally?” “Were they affiliated with any political groups?” “What were their impressions of, and reactions to, the content of the January 6th Rally?” “Why was their mere attendance at the January 6th Rally professional conduct?” Application 18.

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No. 24–1041. *IN RE PRIESTER*. Petition for writ of mandamus dismissed under this Court’s Rule 46.

Certiorari Granted—Vacated and Remanded

No. 24–1246 (24A1122). *U. S. DOGE SERVICE ET AL. v. CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON*. The application for a stay presented to THE CHIEF JUSTICE and by him referred to the Court is granted. Additionally, applicants suggested this Court treat the application as a petition for a writ of certiorari; doing so, the petition is granted. The United States Court of Appeals for the District of Columbia Circuit’s order denying a writ of mandamus is vacated, and the case is remanded to the Court of Appeals for further consideration in light of this order. Cf. *In re United States*, 583 U. S. 29 (2017) (*per curiam*).

The portions of the District Court’s April 15 discovery order that require the Government to disclose the content of intra-Executive Branch USDS [U. S. DOGE Service] recommendations and whether those recommendations were followed are not appropriately tailored. Any inquiry into whether an entity is an agency for the purposes of the Freedom of Information Act cannot turn on the entity’s ability to persuade. Furthermore, separation of powers concerns counsel judicial deference and restraint in the context of discovery regarding internal Executive Branch communications. Cf. *Cheney v. United States Dist. Court for D. C.*, 542 U. S. 367, 385 (2004) (“[S]pecial considerations control when the Executive Branch’s interests in maintaining the autonomy of its office and safeguarding the confidentiality of its communications are implicated”). On remand of the case, the Court of Appeals should take appropriate action to narrow the April 15 discovery order consistent with this order.

The April 15, 2025, and May 20, 2025, orders of the United States District Court for the District of Columbia, case No. 25–cv–511, are stayed pending remanded consideration at the Court of Appeals, and disposition of the petition for a writ of certiorari, if such writ is timely sought. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment if this Court. JUSTICE SOTOMAYOR, JUSTICE KAGAN, and JUSTICE JACKSON would deny the application.

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No. 24–6892. *WILLIAMS v. UNITED STATES*. C. A. 11th 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 *United States v. Rahimi*, 602 U. S. 680 (2024).

Miscellaneous Orders

No. 24A969. *BRANNBERG ET AL. v. JEFFERSON COUNTY PUBLIC SCHOOLS ET AL.* Sup. Ct. Colo. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 24A1063. *SOCIAL SECURITY ADMINISTRATION ET AL. v. AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES ET AL.* On January 20, 2025, the President signed an Executive Order “establish[ing] the Department of Government Efficiency” (DOGE) with the goal of “modernizing Federal technology and software to maximize governmental efficiency and productivity.” Exec. Order No. 14158, 90 Fed. Reg. 8441. The Executive Order requires agency heads to establish “DOGE Team[s]” within their agencies and to “ensure [DOGE] has full and prompt access to all unclassified agency records, software systems, and IT systems” in a manner “consistent with applicable law.” §§ 3(c), 4(b), 5(b)[, *id.*, at 8441–8442]. On April 17, the District Court preliminarily enjoined the Social Security Administration (SSA) from granting DOGE affiliates access to various SSA records, subject to certain exceptions. The en banc Fourth Circuit denied the Government’s request to stay the preliminary injunction by a vote of 9 to 6. The Government now seeks a stay from this Court.

When considering whether to grant a stay, this Court looks to four factors: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U. S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U. S. 770, 776 (1987)). After review, we determine that the application of these factors in this case warrants granting the requested stay. We conclude that, under the present circumstances, SSA may proceed to afford members of the SSA DOGE Team access to the agency records in question in order for those members to do their work.

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Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted. The April 17, 2025, preliminary injunction entered by the United States District Court for the District of Maryland, case No. 1:25-cv-596, is stayed pending disposition of the appeal in the United States Court of Appeals for the Fourth Circuit and disposition of a petition for writ of certiorari, if such writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court. JUSTICE KAGAN would deny the application.

JUSTICE JACKSON, with whom JUSTICE SOTOMAYOR joins, dissenting.

Today the Court grants “emergency” relief that allows the Social Security Administration (SSA) to hand DOGE staffers the highly sensitive data of millions of Americans. The Government wants to give DOGE unfettered access to this personal, non-anonymized information *right now*—before the courts have time to assess whether DOGE’s access is lawful. So it asks this Court to stay a lower court’s decision to place temporary and qualified limits on DOGE’s data access while litigation challenging DOGE’s authority to access the data is pending. But the Government fails to substantiate its stay request by showing that it or the public will suffer irreparable harm absent this Court’s intervention. In essence, the “urgency” underlying the Government’s stay application is the mere fact that it cannot be bothered to wait for the litigation process to play out before proceeding as it wishes.

That sentiment has traditionally been insufficient to justify the kind of extraordinary intervention the Government seeks. But, once again, this Court dons its emergency-responder gear, rushes to the scene, and uses its equitable power to fan the flames rather than extinguish them. See, *e. g.*, *Noem v. Doe*, 605 U. S. 960, 963–964 (2025) (JACKSON, J., dissenting from grant of application for stay) (explaining that, by granting a stay, the Court was allowing the Government to terminate the lawful parole status of half a million noncitizens before the courts could determine whether such agency action was lawful). Once again, respectfully, I dissent.

I

A

The SSA and the sensitive data it collects are well known to Americans who entrust their information to that government

agency. Social Security numbers, birth dates, addresses, bank-account numbers, medical records—all of that, and more, is in the mix. Every person who has received a Social Security number appears in the SSA's data. And beyond the identification numbers and retirement benefits that bear the agency's name, the SSA also administers a host of other programs, such as Social Security Disability Insurance, which collects detailed medical histories (describing, for example, prescriptions, mental-health treatments, and testing results for sensitive health conditions like HIV) from applicants and beneficiaries. See 778 F. Supp. 3d, 685, 741–742 (Md. 2025). Since 1935, the SSA has been collecting, storing, and, perhaps most importantly, *protecting* the information that Americans provide.

Some of the most critical safeguards are established in a federal law called the Privacy Act of 1974, 5 U. S. C. § 552a, which Congress enacted “to protect the privacy of individuals identified in information systems maintained by Federal agencies.” § 2(a)(5), 88 Stat. 1896. In its findings supporting the Privacy Act, Congress focused on “the collection, maintenance, use, and dissemination of personal information by Federal agencies,” specifically noting that those agency practices “directly affect[ed]” individual privacy. § 2(a)(1), *ibid.* Congress also recognized “the harm to individual privacy that can occur” from the Government’s mishandling of Americans’ sensitive information—harm that can relate to “employment, insurance, and credit,” among other areas of life. §§ 2(a)(2)–(3), *ibid.*

To protect against the significant privacy risks that the Government’s handling of Americans’ sensitive information creates, the Privacy Act regulates federal agencies’ “collection, maintenance, use, and dissemination of” such data. § 2(a)(5), *ibid.* As relevant here, the Act prohibits agencies from disclosing covered data except in narrow circumstances, such as where agency employees “have a need for the record in the performance of their duties.” 5 U. S. C. § 552a(b)(1).

It should come as no surprise, then, that the SSA has long followed a policy of restricting access to the personal records the agency maintains, consistent with the Privacy Act and similar laws. 778 F. Supp. 3d, at 698, 752. For example, before granting its employees access to SSA data, the agency strictly enforces background checks, training requirements, and agreements outlining sanctions for misuse of data. *Id.*, at 750–755. It also limits employees’ access to sensitive data to only what they need in order to perform their assigned job responsibilities. *Id.*, at 750–751.

B

The SSA's established practices for handling Americans' data changed dramatically after January 20, 2025—the day the President issued an Executive Order creating the Department of Government Efficiency, or DOGE. Exec. Order No. 14158, 90 Fed. Reg. 8441. DOGE's stated purpose was to “moderniz[e] Federal technology and software to maximize governmental efficiency and productivity.” *Ibid.* According to the Government, the core of DOGE's work involves ““identifying fraud, waste, and abuse.”” 778 F. Supp. 3d, at 709. DOGE demanded immediate and unfettered access to the SSA's data and systems shortly after its creation. *Id.*, at 711–712. And though it encountered initial obstacles, DOGE soon obtained access to troves of sensitive information stored in the SSA's computer files. *Ibid.*

Record evidence reflects that DOGE received far broader data access than the SSA customarily affords for fraud, waste, and abuse reviews. A former Acting Chief of Staff at the SSA recounted that similar investigations typically “‘start with access to high-level, anonymized data based on the least amount of data the analyst or auditor would need to know.’” *Id.*, at 712. Only if suspicious entries appear would the reviewer then gain “‘access [to] more granular, non-anonymized data [limited] to just that subset of files.’” *Ibid.*

In February 2025, respondents (two labor unions and a grassroots advocacy organization) filed a lawsuit in the District of Maryland, seeking to block DOGE from breaching the SSA's standard protocols. Respondents alleged that, by opening the SSA's data systems to unfettered access by DOGE personnel, the SSA and DOGE officials had run afoul of the Privacy Act and the Administrative Procedure Act (APA), 5 U. S. C. § 706(2).

After assessing the relevant legal factors and evidence, the District Court entered a preliminary injunction that temporarily placed qualified limitations on DOGE staffers' access to SSA data. Its order was accompanied by a 145-page opinion laying out the court's legal reasoning and factual findings. The District Court found, specifically, that respondents were likely to succeed on the merits of their claims that the SSA's and DOGE's actions violated the Privacy Act and the APA. 778 F. Supp. 3d, at 780. It also found that, absent temporary injunctive relief, respondents' members would suffer irreparable injury from the disclosure of their personal in-

formation to DOGE staffers—harm that could not later be remedied with money damages. *Id.*, at 777–778.

The Government appealed and requested a stay of the District Court’s order. The Court of Appeals for the Fourth Circuit, sitting en banc, declined to stay the preliminary injunction pending its resolution of the merits. App. to Application for Stay 2a (App.). So, the Government now seeks a stay from us.

II

Just last week, I wrote about the requirements for granting stay applications and, in particular, how this Court’s emergency-docket practices were decoupling from the traditional harm-reduction justification for equitable stays. See *Noem*, 605 U. S., at 963–964. With today’s decision, it seems as if the Court has truly lost its moorings. It interferes with the lower courts’ informed and equitable assessment of how the SSA’s data is best accessed during the course of this litigation, and it does so without any showing by the Government that it will actually suffer concrete or irreparable harm from having to comply with the District Court’s order.

What the lower courts have done here is carefully craft interim relief tailored to the needs of the moment. To start, the District Court received sworn evidence about what DOGE wants to do and considered all of the interests at stake. Moreover, and importantly, the District Court repeatedly asked the critical question: *Why* does DOGE need immediate, unfettered, and unprecedented access to highly sensitive non-anonymized data to accomplish its objectives? The Government’s answers were “imprecise, contradictory, and insufficient.” 778 F. Supp. 3d, at 773. And when the court requested further clarification, the Government passed. *Id.*, at 703 (choosing instead to “‘stand on the record in its current form’”). Ultimately, the court found, the Government “never made clear why . . . the DOGE Team requires unbridled access to the [personally identifiable information] of countless Americans in order to effectuate [its] responsibilities.” *Id.*, at 773–774.

Despite the Government’s poor showing, the District Court still structured its injunction in a minimally burdensome manner from the Government’s standpoint. The injunction allows the SSA to provide DOGE staffers with access to redacted or anonymized data and SSA records, so long as DOGE staffers meet the training, background-check, and other requirements that generally govern such access. App. 170a–171a. The injunction also per-

mits the SSA to grant DOGE staffers access to “discrete, particularized, and non-anonymized data” if DOGE gives the agency a written explanation of its specific need for the records. *Id.*, at 171a. And the injunction expressly leaves intact the SSA’s “ordinary operations.” *Id.*, at 172a. Thus, in the end, the District Court’s order amounts to a short-term pause on giving DOGE unfettered and uniquely unprotected access to millions of Americans’ sensitive, non-anonymized data, paired with reasonable conditions on data access in the interim.

Dissatisfied with even those minor limitations, the Government rushed to the Fourth Circuit and sought a stay of the District Court’s injunction. That court then considered the matter en banc, and its judges, too, commented on the Government’s poor performance. One highlighted “the government’s inability to provide a convincing explanation of how it will be tangibly and irreparably harmed absent a stay.” *Id.*, at 15a (Heytens, J., concurring in denial of stay). Another noted that, based on the record, “DOGE’s work could be accomplished largely with anonymized and redacted data, along with discrete pieces of non-anonymized data in limited, appropriate circumstances—as has long been typical at SSA for the type of technology upgrades and waste, abuse, and fraud detection that DOGE claims to be doing.” *Id.*, at 7a (King, J., concurring in denial of stay).

The Fourth Circuit’s evaluation led it to deny the Government’s request for a stay. Still, that court committed to continue addressing this matter en banc, and it set a briefing schedule with respect to the Government’s substantive appeal of the District Court’s preliminary injunction. Briefing is scheduled to conclude next month, and the arguments presented will be considered and ruled upon by all the active judges on that court.

III

Stepping back to take a birds-eye view of the stay request before us, the Government’s failure to demonstrate harm should mean that the general equity balance tips decisively against granting a stay. See *Noem*, 605 U. S., at 963. On the one hand, there is a repository of millions of Americans’ legally protected, highly sensitive information that—if improperly handled or disseminated—risks causing significant harm, as Congress has already recognized. On the other, there is the Government’s desire to ditch the usual protocols for accessing that data, before the

courts have even determined whether DOGE's access is lawful. In the first bucket, there is also the state of federal law, which enshrines privacy protections, and the President's constitutional obligation to faithfully execute the laws Congress has passed. This makes it not at all clear that it is in the public's interest for the SSA to give DOGE staffers unfettered access to all Americans' non-anonymized data before its entitlement to such access has been established, especially when the SSA's own employees have long been subject to restrictions meant to protect the American people.

One more equitable consideration: Throughout the lower courts' thorough evaluations, the Government never deigned to substantiate its purported need for unfettered access, much less demonstrate why it must have that degree of access *now*. And it produces nothing more on that score with respect to the "emergency" application this Court considers today. The lower courts repeatedly placed the Government on notice of its harm-related failures, yet the Government *still* offers us next to nothing to satisfy its burden.*

In my view, granting the Government a stay on this plainly deficient showing of harm is also systemically corrosive. We have *told* everyone that it is "critical" that an applicant justify its request for a stay from this Court by showing that it "will be irreparably injured absent a stay." *Nken v. Holder*, 556 U.S. 418, 434 (2009). So the idea that the Government actually need not satisfy the irreparable-harm burdens that other stay applicants have, nor wait for the courts to decide the merits of challenges to its allegedly unlawful conduct—as other litigants must—is not costless.

To accept this line of argument sends a troubling message: that this Court will allow departures from our stated legal standards and the basic norms of our judicial system (such as respect for lower court rulings and equal justice under law) for certain litigants. It says, in essence, that although *other* stay applicants must point to more than the annoyance of compliance with lower

*In its reply brief, the Government glibly contends that it is harmed by the injunction's effect on the Government's work. Reply in Support of Application for Stay 13–14 (accusing the courts of "micromanaging" the Executive Branch and imposing "inefficient" restrictions). Those kinds of generalized complaints are mere descriptors of what it means to be constrained by law. As such, they are manifestly insufficient to demonstrate concrete harm.

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court orders they don't like, the Government can approach the courtroom bar with nothing more than that and obtain relief from this Court nevertheless. It is particularly startling to think that grants of relief in these circumstances might be (unintentionally) conveying not only preferential treatment for the Government but also a willingness to undercut both our lower court colleagues' well-reasoned interim judgments and the well-established constraints of law that they are in the process of enforcing.

* * *

The lower courts are hard at work, expeditiously assessing whether federal law permits the SSA to give DOGE staffers unfettered access to Americans' sensitive information. The only question before us today is what should happen to all of that data in the meantime. Two lower courts have said that DOGE staffers should have to comply with temporary safeguards on data access while the litigation is proceeding. Meanwhile, here, the Government has plainly failed to meet the moment, as it has not shown that it will suffer any concrete or irreparable harm unless this Court immediately intervenes.

But, today, the Court grants a stay permitting the Government to give unfettered data access to DOGE regardless—despite its failure to show any need or any interest in complying with existing privacy safeguards, and all before we know for sure whether federal law countenances such access. The Court is thereby, unfortunately, suggesting that what would be an extraordinary request for everyone else is nothing more than an ordinary day on the docket for this Administration. I would proceed without fear or favor to require DOGE and the Government to do what all other litigants must do to secure a stay from this Court: comply with lower court orders constraining their behavior unless and until they establish that irreparable harm will result such that equity requires a different course. The Court opts instead to relieve the Government of the standard obligations, jettisoning careful judicial decisionmaking and creating grave privacy risks for millions of Americans in the process.

No. 24M90. CUFF *v.* FLORIDA A&M UNIVERSITY AND BOARD OF TRUSTEES ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

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No. 24–7416. *GILOWSKI v. UNITED STATES*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 30, 2025, 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. 24–7207. *IN RE SIMPSON*. Petition for writ of habeas corpus denied.

No. 24–7234. *IN RE DIEHL*. 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. 24–1053. *IN RE EDMONDSON*; and

No. 24–7002. *IN RE NOLL*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 24–808. *CONEY ISLAND AUTO PARTS UNLIMITED, INC. v. BURTON, CHAPTER 7 TRUSTEE FOR VISTA-PRO AUTOMOTIVE, LLC*. C. A. 6th Cir. Certiorari granted. Reported below: 109 F. 4th 438.

No. 24–820. *RUTHERFORD v. UNITED STATES*; and

No. 24–860. *CARTER v. UNITED STATES*. C. A. 3d Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 24–820, 120 F. 4th 360.

No. 24–872. *HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS v. SMITH*. C. A. 11th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: “Whether and how courts may consider the cumulative effect of multiple IQ scores in assessing an *Atkins* [v. *Virginia*, 536 U. S. 304 (2002),] claim.”

Certiorari Denied

No. 24–780. *BLUE v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 24–786. *REPUBLICAN NATIONAL COMMITTEE ET AL. v. GENSER ET AL.* Sup. Ct. Pa. Certiorari denied.

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No. 24–806. *AUDIO EVOLUTION DIAGNOSTICS, INC. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 24–936. *HANSON ET AL. v. DISTRICT OF COLUMBIA, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 24–940. *BLIXSETH v. MONTANA DEPARTMENT OF REVENUE.* C. A. 9th Cir. Certiorari denied.

No. 24–949. *NAVELLIER & ASSOCIATES, INC., ET AL. v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 1st Cir. Certiorari denied.

No. 24–962. *ADAMS v. GUGLIANO ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–1055. *BECKER ET AL. v. CITY OF HILLSBORO, MISSOURI.* C. A. 8th Cir. Certiorari denied.

No. 24–1060. *MORENO ET AL. v. COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION SEVEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 24–1079. *GRAY ET AL. v. WASHINGTON STATE DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–1087. *PORTER v. SERGENT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–1125. *ISS AVIATION, INC., WYOMING, ET AL. v. BELL TEXTRON, INC.* C. A. 5th Cir. Certiorari denied.

No. 24–1129. *LIPIN v. WISEHART ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–1135. *GONZÁLEZ FLAVELL v. KIM ET AL.* Ct. App. D. C. Certiorari denied.

No. 24–6222. *PORTER v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied.

No. 24–6505. *JONES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 24–6804. *WHITE v. OFFICE OF PERSONNEL MANAGEMENT.* C. A. Fed. Cir. Certiorari denied.

No. 24–6897. *FAUST v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

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No. 24–6923. *ALEXANDER v. LOUISIANA*. Ct. App. La., 4th Cir. Certiorari denied.

No. 24–6925. *BURTON v. JOHNSON ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–6929. *CARSON v. GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 24–6931. *OHIO EX REL. FEATHERS v. ELEVENTH DISTRICT COURT OF APPEALS OF OHIO, PORTAGE COUNTY, ET AL.* Sup. Ct. Ohio. Certiorari denied.

No. 24–6934. *PINA v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 24–6935. *TRAN v. GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 24–6938. *VYAS v. HUTCHESON, SHERIFF, ROCKINGHAM COUNTY, VIRGINIA*. C. A. 4th Cir. Certiorari denied.

No. 24–6946. *DYJAK v. HORSTMAN ET AL.* C. A. 7th Cir. Certiorari denied.

No. 24–6947. *GOLDSBORO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 24–6948. *CARRILLO v. TEXAS JUVENILE JUSTICE DEPARTMENT ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–6949. *CHRISTMAS v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 24–6998. *ELLIS v. CITY OF WHITE SETTLEMENT, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–7008. *BRANCH v. FANNIE MAE ET AL.* Sup. Jud. Ct. Mass. Certiorari denied.

No. 24–7063. *DUCK v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 24–7122. *DEKELBAUM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 24–7147. *WILKES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–7148. *GREENBERG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–7149. *WEAVER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–7150. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–7155. *GAYLES v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 24–7160. *JACKSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 24–7161. *SHEFFLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 24–7162. *WHITED v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–7166. *RUSH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–7167. *ROGERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–7203. *INZITARI v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied.

No. 24–311. *PROTECT OUR PARKS, INC., ET AL. v. DUFFY, SECRETARY OF TRANSPORTATION, ET AL.* C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition.

No. 24–584. *CHAMBERS-SMITH, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION v. AYERS*. C. A. 6th Cir. Certiorari denied. Reported below: 113 F. 4th 665.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS joins, respecting the denial of certiorari.

Kayla Ayers was convicted in 2013 of aggravated arson and child endangerment after she attempted to burn down her father's house. At trial, the State presented testimony from Ayers's fa-

ther and a next-door neighbor, both of whom testified that Ayers had previously threatened to set the house ablaze. The State also called an expert who testified that the fire's burn pattern revealed two ignition points—suggesting arson, not accident. Ayers's counsel did not present or even consult with an expert and instead argued that Ayers's 3-year-old son must have started the fire while playing with a lighter.

In 2020, more than seven years after her conviction, Ayers filed a federal habeas application claiming, *inter alia*, ineffective assistance of counsel. Ayers's post-conviction counsel commissioned an expert fire-inspection report in 2019, and Ayers used that report to argue that her trial counsel rendered ineffective assistance by “fail[ing] to retain or even consult with an independent fire expert” who could have “recognize[d] the serious flaws in the [state expert's] opinions and qualifications.” *Ayers v. Ohio Dept. of Rehabilitation and Correction, Director*, No. 5:20-cv-01654 (ND Ohio, Dec. 19, 2022), ECF Doc. 14-1, p. 32. The District Court correctly denied the petition as untimely under 28 U. S. C. § 2244(d)(1)(A)'s default limitations period, but the Sixth Circuit nevertheless reversed. The panel reasoned that the 2019 expert report reopened the filing window under § 2244(d)(1)(D), which allows prisoners to file a habeas petition within a year from when “the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.” See *Ayers v. Ohio Dept. of Rehabilitation and Correction*, 113 F. 4th 665, 670–674 (2024).

The Sixth Circuit erred by treating newly discovered support for a previously available claim as sufficient to restart the 1-year limitations period. Here, Ayers claims her trial counsel should have consulted an independent fire expert and challenged the State's fire inspector. But Ayers had everything she needed to make that argument back in 2013 when her trial counsel failed to take those steps. Cf. *Rivas v. Fischer*, 687 F. 3d 514, 536 (CA2 2012) (concluding that a new expert affidavit could not revive a time-barred habeas petition because the expert's conclusion was based on facts that were previously known to and discoverable by the habeas petitioner). The 2019 expert report certainly bolstered Ayers's argument that her trial counsel's decisions harmed her defense, but “[§]2244(d)(1)(D) does not restart the time when corroborating evidence becomes available; if it did, then the statute of limitations would fail in its purpose to bring finality to

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criminal judgments, for any prisoner could reopen the judgment by locating any additional fact.” *Escamilla v. Jungwirth*, 426 F.3d 868, 871 (CA7 2005), abrogated on other grounds, *McQuiggin v. Perkins*, 569 U. S. 383 (2013).

Ordinarily, we would summarily reverse such a decision or, at the least, grant certiorari to bring the errant Circuit back into alignment. But Ayers has now served her prison sentence and is no longer subject to post-release control. For this reason, the Court’s unwillingness to summarily reverse is understandable, and it is possible to view the decision below as an aberrant decision attributable to the particular facts of this case and not as a precedent that will be followed in future cases. In any event, lower courts should not construe the denial of review as approval of the decision below, and litigants should not hesitate to seek certiorari if the Sixth Circuit repeats this error.

Rehearing Denied

No. 24–6124. *DORMAN v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 604 U. S. 1130;

No. 24–6275. *HAMILTON v. GEORGIA*, 604 U. S. 1214;

No. 24–6318. *CROWDER v. GEORGIA*, 604 U. S. 1214;

No. 24–6365. *GEMELLI v. NICOSIA, DISTRICT ATTORNEY, 34TH JUDICIAL DISTRICT COURT, ET AL.*, 604 U. S. 1216;

No. 24–6570. *HELMIN v. YUEMIN XU*, 604 U. S. 1261;

No. 24–6590. *GARVIN v. COHEN, WARDEN*, 604 U. S. 1261;

No. 24–6675. *STEWART v. UNITED STATES*, 604 U. S. 1234; and

No. 24–6704. *JURY v. OHIO*, 604 U. S. 1244. Petitions for rehearing denied.

JUNE 9, 2025

Miscellaneous Order

No. 24–7368 (24A1204). *IN RE WAINWRIGHT*. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 24–7365 (24A1202). *WAINWRIGHT v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

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JUNE 10, 2025

Miscellaneous Order

No. 24A1192. HUNT *v.* ALABAMA. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

Certiorari Denied

No. 24–7387 (24A1211). WAINWRIGHT *v.* DESANTIS, GOVERNOR OF FLORIDA, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

JUNE 11, 2025

Certiorari Denied

No. 24–7397 (24A1219). HANSON *v.* OKLAHOMA. Ct. Crim. App. Okla. Application for stay of execution of sentence of death, presented to JUSTICE GORSUCH, and by him referred to the Court, denied. Certiorari denied.

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