(ORDER LIST: 575 U.S.)

MONDAY, MARCH 30, 2015

APPEAL -- SUMMARY DISPOSITION

14-518 CANTOR, ERIC, ET AL. V. PERSONHUBALLAH, GLORIA, ET AL.

The judgment is vacated, and the case is remanded to the United States District Court for the Eastern District of Virginia for further consideration in light of *Alabama Legislative Black Caucus* v. *Alabama*, 575 U. S. ____ (2015).

CERTIORARI -- SUMMARY DISPOSITION

13-1505 FREIDUS, MARSHALL, ET AL. V. ING GROEP, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Omnicare, Inc*. v. *Laborers Dist. Council Constr. Industry Pension Fund*, 575 U. S. ___ (2015).

ORDERS IN PENDING CASES

14M99 SMITH, KENNETH V. CAIN, WARDEN

14M100 EDWARDS, ROBERT L. V. WALSH, JEANNE, ET AL.

14M101 MUHAMMAD, KALIM A. V. BETHEL MUHAMMAD, BRENDA, ET AL.

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

14-280 MONTGOMERY, HENRY V. LOUISIANA

Richard Bernstein, Esquire, of Washington, D. C., is invited to brief and argue, as *amicus curiae*, against this Court's jurisdiction to decide whether the Supreme Court of Louisiana correctly refused to give retroactive effect in this case to

our decision in *Miller* v. *Alabama*, 567 U. S. ____ (2012).

The brief of the Court-appointed *amicus curiae* is to be filed on or before Wednesday, June 10, 2015. The brief of petitioner is to be filed on or before Friday, July 10, 2015. The brief of respondent is to be filed on or before Monday, August 10, 2015. Reply briefs are to be filed on or before Wednesday, September 9, 2015.

14-574 BOURKE, GREGORY, ET AL. V. BESHEAR, GOV. OF KY, ET AL.

The motion of Chris Sevier for leave to intervene is denied.

14-8080 HIGHSMITH, SHEILA D. V. MACFADYEN, KENNETH J., ET AL.

14-8190 ADKINS, DORA L. V. BANK OF AMERICA, N.A.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until April 20, 2015, 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.

CERTIORARI GRANTED

14-449 KANSAS V. CARR, JONATHAN D.

14-450 KANSAS V. CARR, REGINALD D.

The motions of respondents for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted limited to Questions 1 and 3 presented by the petitions. The cases are consolidated and a total of one hour is allotted for oral argument.

14-452 KANSAS V. GLEASON, SIDNEY J.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted.

14-723 MONTANILE, ROBERT V. BD. OF TRUSTEES NEIHBP

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

14-472 VILOSKI, BENJAMIN V. UNITED STATES

14-519 CAMINITI, PHILIP B. V. WISCONSIN

14-525 COONS, NICK, ET AL. V. LEW, SEC. OF TREASURY, ET AL.

14-555 NELSON, ANGELICA C. V. WISCONSIN

14-714 KOZAK, GRAZYNA V. WORKERS' COMPENSATION, ET AL.

14-717 STC.UNM V. INTEL CORPORATION

14-720 DARIANO, JOHN, ET UX. V. MORGAN HILL UNIFIED SCH. DIST.

14-730) DAVIS, NEVILLE S. V. KOHN, SONJA, ET AL.
)
14-736) TREZZIOVA, DANA V. KOHN, SONJA, ET AL.

14-746 BIGLEY, LINDA V. CIBER, INC. LONG TERM DISABILITY

14-860 ALBECKER, WALTER J. V. CONTOUR PRODUCTS, INC., ET AL.

14-861 TARGET MEDIA PARTNERS, ET AL. V. SPECIALTY MARKETING CORPORATION

14-862 TWERSKY, MORDECHAI, ET AL. V. YESHIVA UNIVERSITY, ET AL.

14-869 LESKINEN, LAURA V. HALSEY, CAROLYN, ET AL.

14-871 TRANSPORT WORKERS UNION V. KOVACS, STEPHEN R., ET AL.

14-876 BUTLER, ROBERT, ET UX. V. RYE PLANNING COMMISSION, ET AL.

14-888 SLATER, GLENN B. V. HARDIN, DAVID, ET AL.

14-890 G. M., ET AL. V. SADDLEBACK VALLEY SCHOOL DIST.

14-897 KRUEGER, FAITH V. GRAND FORKS COUNTY, ND

14-909 AZAM, NAZIE V. U.S. BANK NATIONAL ASSOCIATION

14-922 GOMEZ, YAKELIN V. CHASE HOME FINANCE, LLC

14-934 NEGLEY, JAMES L. V. FBI

14-943 HAKIM, N. EDWARD V. O'DONNELL, DAISY, ET AL.

14-945 SCHULLER, ROBERT H., ET AL. V. NAYLOR, KAREN S., ET AL.

14-951 JOHNSON, CARLYN V. SECURITAS SECURITY SERVICES USA

14-955 NIWAYAMA, SATOMI V. TEXAS TECH UNIVERSITY

14-968 ROBERTSON, TONY W. V. McDONALD, SEC. OF VA

14-985 JOHNSON, SUDINIA D. V. OHIO

14-1009 HASHEMIAN, FARHAD V. LOUISVILLE AIRPORT AUTH., ET AL.

14-1010 HUSTON, RALPH D., ET UX. V. U.S. BANK NATIONAL ASSN.

14-1033 STAN LEE MEDIA, INC. V. POW! ENTERTAINMENT INC., ET AL.

14-6810 CARR, REGINALD D. V. KANSAS

14-7264 WOLVERINE, JUNE L. V. UNITED STATES

14-7327 CARR, JONATHAN D. V. KANSAS

14-7664 NOONER, TERRICK T. V. ARKANSAS

14-7680 BANKS, KELVYN R. V. CALIFORNIA

14-7683 CROSS, DAYVA V. WASHINGTON

14-8033 SINGLETARY, LARRY S. V. TEXAS

14-8036 SMITH, CHARLES E. V. IDAHO

14-8043 RAMIREZ, EDY V. BEARD, SEC., CA DOC

14-8046 WESTFALL, WILLIAM A. V. JONES, SEC., FL DOC, ET AL.

14-8048 McGUGAN, KRATON V. ALDANA-BERNIER, LINDA L., ET AL.

14-8052 PIPER, CHARLES M. V. SHERMAN, WARDEN

14-8054 KATZENBACH, WADE V. ABEL, ROBERT

14-8057 JAMES, MASALA V. BEARD, SEC., CA DOC

14-8061 BARNHILL, CHRISTOPHER D. V. WASHINGTON

14-8063 ARTIGA-MORALES, EDWIN H. V. NEVADA

14-8066 MASON, DeSHAWN T. V. MICHIGAN

14-8067 CATO, RICHARD N. V. STEPHENS, DIR., TX DCJ

14-8068 CHANCE, NOEL R. V. CHANCE, NADINE M.

14-8085 KUNKEL, JAMES V. TEXAS

14-8086 JENKINS, VAN V. LIVONIA POLICE DEPARTMENT

14-8087 JOYCE, TELLY V. TEXAS

14-8088 SHEPPARD, CURTIS L. V. COURT OF CRIMINAL APPEALS OF TX

14-8089 LUGO, JOSEPH V. DAVEY, WARDEN

14-8092 POUNDS, WADE V. FLORIDA

14-8094 PARIS, RONNIE V. JONES, SEC., FL DOC, ET AL.

14-8095 SUTTON, RICKY V. FLORIDA

14-8097 PRUETT, ROBERT L. V. TEXAS

14-8099 RODRIGUEZ, MANUEL A. V. JONES, SEC., FL DOC

14-8101 SCHLEIGER, CURTIS D. V. OHIO

14-8103 RANDELL, BRIAN K. V. SPEARMAN, WARDEN

14-8105 CAPELL, RICHARD A. V. CARTER, C. LEE, ET AL.

14-8109 HENNESS, WARREN K. V. BAGLEY, WARDEN

14-8111 WILLIAMS, ROY V. STEPHENS, DIR., TX DCJ

14-8113 ROSS, PALMER R. V. TEXAS

14-8114 COOK, TODD L. V. NEBRASKA

14-8117 CORTEZ, HECTOR V. BUTLER, WARDEN

14-8119 SCOTT, BETTY V. COHEN, ANNABELLA, ET AL.

14-8122 BOUIE, JERMAINE T. V. CROCKETT, JENNIFER, ET AL.

14-8137 DAVIS, THOMAS E. V. PARKER, LEAH C.

14-8139 IDROGO, MICHAEL V. GONZALEZ, MONICA, ET AL.

14-8142 MILLS, JOHN V. KENTUCKY

14-8146 JONES, DARRYL L. V. MISSOURI

14-8148 ARMITAGE, BRANDON V. SHERMAN, WARDEN, ET AL.

14-8157 MURRAY, JOANNE H. V. MIDDLETON, D. A., ET AL.

14-8164 COCHRUN, LARRY V. DOOLEY, WARDEN

14-8165 COX, RAYMONDO S. V. McEWEN, WARDEN

14-8171 STEPHENS, STANLEY W. V. TX BOARD OF PARDONS & PAROLES

14-8172 ROLAND, WILLIE D. V. TEXAS

14-8184 BLAND, ROBERT V. O.P. & C.M.I.A.

14-8191 AVILA, ALEJANDRO V. CALIFORNIA

14-8208 JIMENEZ, JOSE A. V. FLORIDA

14-8211 SIMMS, JEFFREY A. V. BESTEMPS CAREER ASSOC.

14-8215 SCHEUING, JESSE E. V. ALABAMA

14-8217 DURAN, MARLO D. V. BEARD, SEC., CA DOC

14-8218 CISNEROS, ANTONIO V. BITER, WARDEN

14-8220 MAKKALI, MALIK V. HOBBS, DIR., AR DOC

14-8232 MENDOZA, MARBEL V. JONES, SEC., FL DOC

14-8245 GRAY, KENNETH V. PFISTER, WARDEN

14-8248 SIMS, ZEVONZELL E. V. CALIFORNIA

14-8259 LUCIEN, YVON V. HOLDER, ATT'Y GEN.

14-8263 PARKER, PATRICK C. V. LOUISIANA

14-8273 HARRIS, EARNEST S. V. LEWIS, WARDEN, ET AL.

14-8287 ANDERSON, JESSE V. HUMPHREYS, WARDEN

14-8292 MICHAEL C. B. V. NEW YORK

14-8311 ZUNIGA, EDMUNDO A. V. WILLIAMS, WARDEN, ET AL.

14-8320 RANALLO, ROCCO R. V. JONES, SEC., FL DOC, ET AL.

14-8347 GREEN, MARVIN V. LESTER, WARDEN

14-8356 SMITH, GARY L. V. ARKANSAS

14-8366 RENTERIA, JOSE V. CALIFORNIA

14-8388 LEE, BRANDON C. V. MAYE, WARDEN

14-8391 TURCOTTE, GINA V. HUMANE SOCIETY WATERVILLE AREA

14-8392 BREWER, DARRYL K. V. TENNESSEE

14-8393 TREJO, FERNANDO A. V. WOHLER, JOHN

14-8402 MENDES, RONALD M. V. WASHINGTON

14-8410 SIMPKINS, TIRONNE A. V. NIXON, WARDEN

14-8430 SANDERS, COREY V. STRAUGHN, WARDEN, ET AL.

14-8456 DUPPINS, DARIUS V. MARYLAND

14-8470 AUSTIN, LAZAREK V. BUTLER, WARDEN

14-8472 BRANCH, YANCY V. VANNOY, WARDEN

14-8475 WEBB, BENJAMIN T. V. LOUISIANA

14-8482 VASQUEZ, LEODAN V. UNITED STATES

14-8488 JOSEPH, RAFAEL A. V. DONAHOE, POSTMASTER GEN.

14-8512 FERGUSON, EDWARD L. V. UNITED STATES

14-8535 MILLER, CARL F. V. TAX CLAIM BUREAU, ET AL.

14-8547 EPHRAIM, LIONELL E. V. HOGSTEN, WARDEN

14-8549 SMITH, JESS R. V. WASHINGTON

14-8554 HILLS, OSCAR V. UNITED STATES

14-8555 BRANDON, JOHN V. UNITED STATES

14-8556 BOSWELL, WILLIAM V. UNITED STATES

14-8557 WILLIAMS, AARON V. UNITED STATES

14-8558 BONILLA, MARLON A. V. UNITED STATES

14-8559 ARMSTRONG, JEFFERY K. V. UNITED STATES

14-8563 REYES, JOE A. V. UNITED STATES

14-8566 KORZYBSKI, SOREN V. UNITED STATES

14-8570 CHAPMAN, GARY E. V. UNITED STATES

14-8573 HERRING, CAM L. V. UNITED STATES

14-8574 FRANKLIN, MARK A. V. UNITED STATES

14-8576 HYMON, PATRICK V. UNITED STATES

14-8577 PEREIRA, MARIA P. V. UNITED STATES

14-8581 BURNETT, ANTHONY V. UNITED STATES

14-8590 DAVIS, FRED L. V. UNITED STATES

14-8591 QUIROZ-MARTINEZ, JUAN V. UNITED STATES

14-8593 MAJORS, HERMAN V. UNITED STATES

14-8594 CASTEEL, TIRAN R. V. UNITED STATES

14-8599 ARANGUREN-SUAREZ, JORGE L. V. UNITED STATES

14-8604 HENDRICKSON, MARCO A. V. UNITED STATES

14-8605 GALARZA-BAUTISTA, ANTONIO V. UNITED STATES

14-8607 CASTEEL, DEVAN R. V. UNITED STATES

14-8609 DeCRESCENZO, JOSEPH V. CIR

14-8610 CAMPBELL, ALEX A. V. UNITED STATES

14-8612 KEMP, SHERMAN V. UNITED STATES

14-8619 VEACH, JOHN R. V. FEATHER, WARDEN

14-8623 SPEARS, ADOLPH V. FEATHER, WARDEN

14-8626 LIRA, JOSEPH D. V. UNITED STATES

14-8629 MYERSON, SCOTT J. V. UNITED STATES

14-8630 PERNELL, CARL V. UNITED STATES

14-8635 BUTLER, KEITH V. UNITED STATES

14-8638 ANGLE, RALPH W. V. UNITED STATES

14-8648 BROOMFIELD, JAMES F. V. UNITED STATES

14-8649 ADAMS, DAVID V. UNITED STATES

14-8659 FINLEY, CHARLES V. UNITED STATES

14-8660 MYTON, RASENE V. UNITED STATES

14-8661 CARTER, MARION W. V. UNITED STATES

14-8666 JACKSON, CLIFTON J. V. UNITED STATES

14-8668 MOHR, RICHARD L. V. UNITED STATES

14-8672 BREAL, JULIAN V. UNITED STATES

14-8678 LAMAR, ANTHONY V. UNITED STATES

14-8681 WAGNER, TRAVIS V. UNITED STATES

14-8683 WILLIAMS, MARCO A. V. UNITED STATES

14-8684 WELLS, BRIAN L. V. UNITED STATES

The petitions for writs of certiorari are denied.

14-354 BRONX HOUSEHOLD OF FAITH V. BD. OF ED. OF CITY OF NY, ET AL.

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

14-544 PLIVA, INC., ET AL. V. HUCK, THERESA

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

14-896 LeGRAND, WARDEN, ET AL. V. GIBBS, GEORGE

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

14-8081 DAKER, WASEEM V. ROBINSON, JOHN, ET AL.

14-8082 DAKER, WASEEM V. DAWES, JOHN M., ET AL.

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

14-8084 JENNINGS, LAURA V. VILSACK, SEC. OF AGRIC., ET AL.

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

14-8096 LAVERGNE, BRANDON S. V. TAYLOR, CLAIRE, ET AL.

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

14-8104 RENNEKE, FREDERICK E. V. FLORENCE COUNTY, WI

14-8129 HUNTER, CHASE C. V. USDC WY

14-8130 HUNTER, CHASE C. V. USDC WY

14-8131 HUNTER, CHASE C. V. BORON, AARON, ET AL.

14-8132 HUNTER, CHASE C. V. BORON, ANDREW, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8. As the petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners unless the docketing fees required by Rule 38(a) are paid and the petitions are submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

14-8203 LANCASTER, CHARLES C. V. HICKS, NATRENIA, ET AL.

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

14-8337 CAMPBELL, DENNIS J. V. UNITED STATES, ET AL.

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

14-8483 PINDER, STEVEN L. V. HOBBS, DIR., AR DOC

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

14-8602 BENFORD, CURTIS J. V. UNITED STATES

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

14-8628 WARE, ULYSSES T. V. UNITED STATES

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

HABEAS CORPUS DENIED

14-8744 IN RE GORDON W. WATTS

14-8755 IN RE LJUBICA RAJKOVIC

14-8762 IN RE DAMION WELLS

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

14-8125 IN RE TOMMY R. McGUIRE

14-8143 IN RE AHADI A. MUHAMMAD

The petitions for writs of mandamus are denied.

PROHIBITION DENIED

14-8152 IN RE ROBERT H. AJAMIAN

The petition for a writ of prohibition is denied.

REHEARINGS DENIED

14-680 WHITE, ZEDDRICK F. V. DELOITTE & TOUCHE, ET AL.

14-7068 ALVARADO, WILMER A. V. BITER, WARDEN, ET AL.

14-7112 MARR, TIMOTHY V. FLORIDA BAR

14-7215 NAKAGAWA, CARL A. V. COLORADO

14-7552 CHHIM, JOSEPH V. ALDINE INDEPENDENT SCH. DIST.

The petitions for rehearing are denied.

14-6968 CRAWFORD, DONTRE R. V. UNITED STATES

The motion for leave to file a petition for rehearing is denied.

Per Curiam

SUPREME COURT OF THE UNITED STATES

TORREY DALE GRADY *v.* NORTH CAROLINA

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA

No. 14–593. Decided March 30, 2015

PER CURIAM.

Petitioner Torrey Dale Grady was convicted in North Carolina trial courts of a second degree sexual offense in 1997 and of taking indecent liberties with a child in 2006. After serving his sentence for the latter crime, Grady was ordered to appear in New Hanover County Superior Court for a hearing to determine whether he should be subjected to satellite-based monitoring (SBM) as a recidivist sex offender. See N. C. Gen. Stat. Ann. §§14–208.40(a)(1), 14–208.40B (2013). Grady did not dispute that his prior convictions rendered him a recidivist under the relevant North Carolina statutes. He argued, however, that the monitoring program—under which he would be forced to wear tracking devices at all times—would violate his Fourth Amendment right to be free from unreasonable searches and seizures. Unpersuaded, the trial court ordered Grady to enroll in the program and be monitored for the rest of his life. Record in No. COA13-958 (N. C. App.), pp. 3–4, 18–22.

Grady renewed his Fourth Amendment challenge on appeal, relying on this Court's decision in *United States* v. *Jones*, 565 U. S. ___ (2012). In that case, this Court held that police officers had engaged in a "search" within the meaning of the Fourth Amendment when they installed and monitored a Global Positioning System (GPS) tracking device on a suspect's car. The North Carolina Court of Appeals rejected Grady's argument, concluding that it was foreclosed by one of its earlier decisions. App. to Pet. for Cert. 5a–7a. In that decision, coincidentally named *State*

v. *Jones*, the court had said:

> "Defendant essentially argues that if affixing a GPS to an individual's vehicle constitutes a search of the individual, then the arguably more intrusive act of affixing an ankle bracelet to an individual must constitute a search of the individual as well. We disagree. The context presented in the instant case—which involves a civil SBM proceeding—is readily distinguishable from that presented in [*United States* v.] *Jones*, where the Court considered the propriety of a search in the context of a motion to suppress evidence. We conclude, therefore, that the specific holding in [*United States* v.] *Jones* does not control in the case *sub judice*." ___ N. C. App. ___, ___, 750 S. E. 2d 883, 886 (2013).

The court in Grady's case held itself bound by this reasoning and accordingly rejected his Fourth Amendment challenge. App. to Pet. for Cert. 6a–7a. The North Carolina Supreme Court in turn summarily dismissed Grady's appeal and denied his petition for discretionary review. 367 N. C. 523, 762 S. E. 2d 460 (2014). Grady now asks us to reverse these decisions.*

The only explanation provided below for the rejection of Grady's challenge is the quoted passage from *State* v. *Jones*. And the only theory we discern in that passage is that the State's system of nonconsensual satellite-based monitoring does not entail a search within the meaning of the Fourth Amendment. That theory is inconsistent with

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*Grady aims his petition at the decisions of both North Carolina appellate courts. See Pet. for Cert. 1. Because we treat the North Carolina Supreme Court's dismissal of an appeal for lack of a substantial constitutional question as a decision on the merits, it is that court's judgment, rather than the judgment of the Court of Appeals, that is subject to our review under 28 U. S. C. §1257(a). See *R. J. Reynolds Tobacco Co.* v. *Durham County*, 479 U. S. 130, 138–139 (1986).

this Court's precedents.

In *United States* v. *Jones*, we held that "the Government's installation of a GPS device on a target's vehicle, and its use of that device to monitor the vehicle's movements, constitutes a 'search.'" 565 U. S., at ___ (slip op., at 3) (footnote omitted). We stressed the importance of the fact that the Government had "physically occupied private property for the purpose of obtaining information." *Id.,* at ___ (slip op., at 4). Under such circumstances, it was not necessary to inquire about the target's expectation of privacy in his vehicle's movements in order to determine if a Fourth Amendment search had occurred. "Where, as here, the Government obtains information by physically intruding on a constitutionally protected area, such a search has undoubtedly occurred." *Id.,* at ___, n. 3 (slip op., at 6, n. 3).

We reaffirmed this principle in *Florida* v. *Jardines*, 569 U. S. ___, ___–___ (2013) (slip op., at 3–4), where we held that having a drug-sniffing dog nose around a suspect's front porch was a search, because police had "gathered . . . information by physically entering and occupying the [curtilage of the house] to engage in conduct not explicitly or implicitly permitted by the homeowner." See also *id.,* at ___ (slip op., at 9) (a search occurs "when the government gains evidence by physically intruding on constitutionally protected areas"). In light of these decisions, it follows that a State also conducts a search when it attaches a device to a person's body, without consent, for the purpose of tracking that individual's movements.

In concluding otherwise, the North Carolina Court of Appeals apparently placed decisive weight on the fact that the State's monitoring program is civil in nature. See *Jones*, ___ N. C. App., at ___, 750 S. E. 2d, at 886 ("the instant case . . . involves a civil SBM proceeding"). "It is well settled," however, "that the Fourth Amendment's protection extends beyond the sphere of criminal investi-

gations," *Ontario* v. *Quon*, 560 U. S. 746, 755 (2010), and the government's purpose in collecting information does not control whether the method of collection constitutes a search. A building inspector who enters a home simply to ensure compliance with civil safety regulations has undoubtedly conducted a search under the Fourth Amendment. See *Camara* v. *Municipal Court of City and County of San Francisco*, 387 U. S. 523, 534 (1967) (housing inspections are "administrative searches" that must comply with the Fourth Amendment).

In its brief in opposition to certiorari, the State faults Grady for failing to introduce "evidence about the State's implementation of the SBM program or what information, if any, it currently obtains through the monitoring process." Brief in Opposition 11. Without evidence that it is acting to obtain information, the State argues, "there is no basis upon which this Court can determine whether North Carolina conducts a 'search' of an offender enrolled in its SBM program." *Ibid.* (citing *Jones*, 565 U. S., at ___, n. 5 (slip op., at 7, n. 5) (noting that a government intrusion is not a search unless "done to obtain information")). In other words, the State argues that we cannot be sure its program for satellite-based *monitoring* of sex offenders collects any information. If the very name of the program does not suffice to rebut this contention, the text of the statute surely does:

> "The satellite-based monitoring program shall use a system that provides all of the following:
>
> "(1) Time-correlated and continuous tracking of the geographic location of the subject . . . .
>
> "(2) Reporting of subject's violations of prescriptive and proscriptive schedule or location requirements." N. C. Gen. Stat. Ann. §14–208.40(c).

The State's program is plainly designed to obtain information. And since it does so by physically intruding on a

subject's body, it effects a Fourth Amendment search.

That conclusion, however, does not decide the ultimate question of the program's constitutionality. The Fourth Amendment prohibits only *unreasonable* searches. The reasonableness of a search depends on the totality of the circumstances, including the nature and purpose of the search and the extent to which the search intrudes upon reasonable privacy expectations. See, *e.g., Samson* v. *California*, 547 U. S. 843 (2006) (suspicionless search of parolee was reasonable); *Vernonia School Dist. 47J* v. *Acton*, 515 U. S. 646 (1995) (random drug testing of student athletes was reasonable). The North Carolina courts did not examine whether the State's monitoring program is reasonable—when properly viewed as a search—and we will not do so in the first instance.

The petition for certiorari is granted, the judgment of the Supreme Court of North Carolina is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

Per Curiam

SUPREME COURT OF THE UNITED STATES

JEFFREY WOODS, WARDEN *v.* CORY DONALD

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

No. 14–618. Decided March 30, 2015

PER CURIAM.

Federal courts may grant habeas corpus relief if the underlying state-court decision was "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by" this Court. 28 U. S. C. §2254(d)(1). Here, the Sixth Circuit held that respondent Cory Donald's attorney provided *per se* ineffective assistance of counsel under *United States* v. *Cronic*, 466 U. S. 648 (1984), when he was briefly absent during testimony concerning other defendants. Because no decision from this Court clearly establishes that Donald is entitled to relief under *Cronic*, we reverse.

I

After a day of drinking and smoking marijuana, Cory Donald and four others—Seante Liggins, Rashad Moore, Dewayne Saine, and Fawzi Zaya—decided to rob a drug dealer named Mohammed Makki. Donald, Moore, and Liggins drove to Makki's home in Dearborn, Michigan, wearing black skull caps and coats. Moore and Donald entered the house, while Liggins waited in the car.

Michael McGinnis, one of Makki's drug runners, was in the house at the time. When Donald and Moore came through the door, McGinnis raised his hands and dropped face-down to the floor. He heard a scuffle in the kitchen and two gunshots as someone said, "'[L]et it go.'" *Donald* v. *Rapelje*, 580 Fed. Appx. 277, 279 (CA6 2014). After that, McGinnnis felt a gun on the back of his head while someone rifled through his pockets saying, "'[W]hat you

got, what you got?'" *Donald* v. *Rapelje*, 2012 WL 6047130, *3 (ED Mich., Dec. 5, 2012). He also heard one of the two men whisper to the other, "'I got shot, I got shot.'" 580 Fed. Appx., at 279. After Moore and Donald left, McGinnis found Makki slumped against the refrigerator dying.

About seven minutes after they entered the house, Moore and Donald returned, guns in hand, to Liggins' car. Donald told the others that he had stolen $320 and that Moore had accidentally shot him during the crime. That night, Donald checked into a hospital for a gunshot wound to his foot. Police arrested him about three weeks later.

The State charged Donald with one count of first-degree felony murder and two counts of armed robbery. Liggins and Zaya pleaded guilty, and Donald was tried with Moore and Saine. His defense theory was that he was present at the scene of the crime but he did not participate. At trial, the government sought to admit a chart chronicling phone calls from the day of the crime among Moore, Saine, and Zaya. Moore and Saine's attorneys objected, but Donald's attorney declined, saying: "'I don't have a dog in this race. It does not affect me at all.'" *Id.*, at 280. The court admitted the exhibit and took a short recess.

When the trial resumed, Donald's counsel was not in the courtroom. At first, the judge indicated that he would wait for the attorney. But he then decided to proceed because Donald's counsel had already indicated that the exhibit and testimony did not apply to his client. About 10 minutes later, the lawyer returned. The judge informed him that "'up until that point we only were discussing the telephone chart,'" to which the attorney replied, "'[Y]es, your Honor, and as I had indicated on the record, I had no dog in the race and no interest in that.'" *Ibid.*

The jury found Donald guilty on all three counts. He was sentenced to life imprisonment for the felony-murder count and to concurrent prison terms of 10½ to 20 years for each of the armed robbery counts. On appeal, Donald

argued that he was entitled to a new trial because his attorney's absence during the phone call testimony denied him his Sixth Amendment right to effective assistance of counsel. The Michigan Court of Appeals rejected his claim, and the Michigan Supreme Court denied review.

The United States District Court for the Eastern District of Michigan granted federal habeas relief, and the Sixth Circuit affirmed. The Sixth Circuit held that the Michigan Court of Appeals' decision was both contrary to and involved an unreasonable application of this Court's decision in *Cronic*. In the normal course, defendants claiming ineffective assistance of counsel must satisfy the familiar framework of *Strickland* v. *Washington*, 466 U. S. 668, 687 (1984), which requires a showing that "counsel's performance was deficient" and "that the deficient performance prejudiced the defense." And when reviewing an ineffective-assistance-of-counsel claim, "a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." *Id.,* at 689.

In *Cronic*, however, we held that courts may presume that a defendant has suffered unconstitutional prejudice if he "is denied counsel at a critical stage of his trial." 466 U. S., at 659. And in *Bell* v. *Cone*, 535 U. S. 685, 696 (2002), we characterized a "critical stage" as one that "held significant consequences for the accused." According to the Sixth Circuit, these statements should have compelled the Michigan court to hold that the phone call testimony was a "critical stage" and that counsel's absence constituted *per se* ineffective assistance. Without identifying any decision from this Court directly in point, the Sixth Circuit concluded that the relevant testimony in this case was "similar to" our cases applying *Cronic*. 580 Fed. Appx., at 284.

II

A

Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 110 Stat. 1214, a federal court may grant habeas relief only when a state court's decision on the merits was "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by" decisions from this Court, or was "based on an unreasonable determination of the facts." 28 U. S. C. §2254(d). Donald does not argue that the state-court decision in his case was factually erroneous. Instead, he argues that the decision was both contrary to and involved an unreasonable application of this Court's ineffective-assistance-of-counsel cases.

AEDPA's standard is intentionally "'"difficult to meet."'" *White* v. *Woodall*, 572 U. S. ___, ___ (2014) (slip op., at 3) (quoting *Metrish* v. *Lancaster*, 569 U. S. ___, ___ (2013) (slip op., at 5)). We have explained that "'clearly established Federal law' for purposes of §2254(d)(1) includes only the holdings, as opposed to the dicta, of this Court's decisions." *White*, 572 U. S., at ___ (slip op., at 3) (some internal quotation marks omitted). "And an 'unreasonable application of' those holdings must be objectively unreasonable, not merely wrong; even clear error will not suffice." *Id.,* at ___ (slip op., at 3–4) (same). To satisfy this high bar, a habeas petitioner is required to "show that the state court's ruling on the claim being presented in federal court was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." *Harrington* v. *Richter*, 562 U. S. 83, 103 (2011).

Adherence to these principles serves important interests of federalism and comity. AEDPA's requirements reflect a "presumption that state courts know and follow the law." *Woodford* v. *Visciotti*, 537 U. S. 19, 24 (2002) (*per curiam*). When reviewing state criminal convictions on collateral

review, federal judges are required to afford state courts due respect by overturning their decisions only when there could be no reasonable dispute that they were wrong. Federal habeas review thus exists as "a guard against extreme malfunctions in the state criminal justice systems, not a substitute for ordinary error correction through appeal." *Harrington*, *supra*, at 102–103 (internal quotation marks omitted). This is especially true for claims of ineffective assistance of counsel, where AEDPA review must be "'"doubly deferential"'" in order to afford "both the state court and the defense attorney the benefit of the doubt." *Burt* v. *Titlow*, 571 U. S. ___, ___ (2013) (slip op., at 1) (quoting *Cullen* v. *Pinholster*, 563 U. S. 170, ___ (2011) (slip op., at 17)).

B

The Sixth Circuit should not have affirmed the *Cronic*-based grant of habeas relief in this case. The Michigan Court of Appeals' decision was not contrary to any clearly established holding of this Court. We have never addressed whether the rule announced in *Cronic* applies to testimony regarding codefendants' actions. In *Cronic* itself, we rejected the defendant's claim that his counsel's lack of experience and short time for preparation warranted a presumption of prejudice, not a claim based on counsel's absence. See 466 U. S., at 663–666. When announcing the rule in *Cronic*, we cited earlier cases finding prejudice where "counsel was either totally absent, or prevented from assisting the accused during a critical stage of the proceeding." *Id.*, at 659, n. 25. But none of those cases dealt with circumstances like those present here. And *Bell* did not involve the absence of counsel; instead, we declined to presume prejudice where a capital defendant's counsel "failed to 'mount some case for life' after the prosecution introduced evidence in the sentencing hearing and gave a closing statement." 535 U. S., at

696.

Because none of our cases confront "the specific question presented by this case," the state court's decision could not be "contrary to" any holding from this Court. *Lopez* v. *Smith*, 574 U. S. ___, ___ (2014) (*per curiam*) (slip op., at 5). The most that the Sixth Circuit could muster was that "[t]he testimony of a government witness is similar to the trial events that th[is] Court has deemed to be critical stages." 580 Fed. Appx., at 284. But that conclusion is doubly wrong. First, if the circumstances of a case are only "similar to" our precedents, then the state court's decision is not "contrary to" the holdings in those cases. See, *e.g., Carey* v. *Musladin*, 549 U. S. 70, 76–77, and n. 2 (2006). Second, the Sixth Circuit framed the issue at too high a level of generality. See, *e.g., Lopez*, *supra,* at ___ (slip op., at 5). The relevant testimony was not merely "testimony of a government witness"; it was prosecution testimony *about other defendants*. To be sure, the Sixth Circuit considered the testimony relevant to Donald because he was being prosecuted on an aiding-and-abetting theory for felony murder. But Donald's position was that he had nothing to do with the planning among his codefendants. And none of our holdings address counsel's absence during testimony that is irrelevant within the defendant's own theory of the case.

Nor was the state court's decision an unreasonable application of our cases. The Sixth Circuit stated "that a critical stage of trial is a 'step of a criminal proceeding . . . that h[olds] significant consequences for the accused.'" 580 Fed. Appx., at 284 (quoting *Bell*, *supra*, at 696). And it held that the Michigan Court of Appeals' decision was "objectively unreasonable" because the phone call evidence might have indirectly inculpated Donald in the eyes of the jury. But that holding is not correct. Just last Term we warned the Sixth Circuit that "where the '"precise contours"' of [a] right remain '"unclear,"' state courts enjoy

'broad discretion' in their adjudication of a prisoner's claims." *White*, 572 U. S., at ___ (slip op., at 9) (quoting *Lockyer* v. *Andrade*, 538 U. S. 63, 76 (2003), in turn quoting *Harmelin* v. *Michigan*, 501 U. S. 957, 998 (1991) (KENNEDY, J., concurring in part and in judgment)). Within the contours of *Cronic*, a fairminded jurist could conclude that a presumption of prejudice is not warranted by counsel's short absence during testimony about other defendants where that testimony was irrelevant to the defendant's theory of the case.

Cronic applies in "circumstances that are so likely to prejudice the accused that the cost of litigating their effect in a particular case is unjustified." 466 U. S., at 658. The Michigan Court of Appeals' refusal to apply it to these circumstances was not the "extreme malfunction" required for federal habeas relief. *Harrington*, 562 U. S., at 102.

III

Because we consider this case only in the narrow context of federal habeas review, we "expres[s] no view on the merits of the underlying Sixth Amendment principle." *Marshall* v. *Rodgers*, 569 U. S. ___, ___ (2013) (*per curiam*) (slip op., at 7). All that matters here, and all that should have mattered to the Sixth Circuit, is that we have not held that *Cronic* applies to the circumstances presented in this case. For that reason, federal habeas relief based upon *Cronic* is unavailable.

The petition for a writ of certiorari and respondent's motion to proceed *in forma pauperis* are granted. The judgment of the United States Court of Appeals for the Sixth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.