(ORDER LIST: 608 U.S.)

TUESDAY, MAY 26, 2026

ORDERS IN PENDING CASES

141, ORIG. TEXAS V. NEW MEXICO, ET AL.

The proposed final decree, Appendix A to the Fourth Interim Report of the Special Master, is entered. The Honorable D. Brooks Smith, of Duncansville, Pennsylvania, the Special Master in this case, is hereby discharged with the thanks of the Court.

25-918 TREVINO, JOSE A., ET AL. V. HOBBS, SEC. OF STATE WA, ET AL.

The motion of petitioners to expedite consideration is denied.

25-966 DEPT. OF LABOR, ET AL. V. SUN VALLEY ORCHARDS, LLC

The motion of petitioners to dispense with printing the joint appendix is granted.

25-7111 FAULK, CHARLES V. OWENS CORNING ROOFING & ASPHALT

25-7180 CLARK, EDWARD L. V. CLARK, DEBORAH L.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until June 16, 2026, 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 DENIED

25-145 TOTAL QUALITY LOGISTICS, LLC V. COX, ROBERT

25-629 PUCKETT, BILLY V. UNITED STATES

25-833 BERRY, DUANE L. V. UNITED STATES

25-884 MOORE, DONTAE T. V. TEXAS

25-909 META PLATFORMS, INC., ET AL. V. VERMONT

25-976 CARLISLE, ROBERT V. AM. FED. NY TEAMSTERS, ET AL.

25-1009 NAT. ASSN. OF IMMIGRATION JUDGES V. MARGOLIN, DAREN K.

25-1088 FEAGIN, ULYSSES L. V. MANSFIELD POLICE DEPT., ET AL.

25-1096 CLARK, AMIKA T. V. CLARK, TYRUS J.

25-1127 UNITED STATES V. COTTER CORP., N.S.L.

25-1129 ZUNIGA, SIXTO G. V. BLANCHE, ACTING ATT'Y GEN.

25-1134 GRIFFIN, DANIEL J. V. UNITED STATES, ET AL.

25-1136 SVENHARD'S SWEDISH BAKERY V. BAKERY AND CONFECTIONERY UNION

25-1151 BOZZO, CHARLES V. NANASY, JENNIFER, ET AL.

25-1153 ROUNDS, IRVING F. V. DEPT. OF JUSTICE, ET AL.

25-1166 MILLER, CHARLES V. CHARLESTON AREA MEDICAL CENTER

25-1177 rEVAMPED LLC, ET AL. V. PIPESTONE, MN, ET AL.

25-1204 FORD, BIRT V. COLE, WARDEN

25-1216 LOS ANGELES POLICE PROTECTIVE V. LOS ANGELES, CA, ET AL.

25-1227 ELY, ROBERT V. ILLINOIS

25-6250 RUSTON, RICHARD V. UNITED STATES

25-6517 SUMRALL, AMMON R. V. GA DOC, ET AL.

25-6549 ROBINSON, DARRELL J. V. VANNOY, WARDEN

25-6862 ABRAM, MARTEZ V. MISSISSIPPI

25-7076 BENSON, RICKEY V. LIPMAN, JUDGE, USDC WD TN

25-7077 RINGOLD, RICHARD T. V. PEOPLES, WARDEN

25-7078 SCHWAB, BRIAN K. V. MICHIGAN

25-7079 CASAVELLI, NICHOLAS, ET UX. V. JOHANSON, DONNA, ET AL.

25-7081 BENSON, RICKEY V. FIELDS, JAILER, ET AL.

25-7083 ROBERTSON, MICHAEL O. V. WHITE, DEMARIO

25-7087 SCOTT, NORMAN L. V. RAGSDALE, TRINA

25-7091 LOUIS, ATHANAEL J. V. DIXON, SEC., FL DOC

25-7092 LAUTER, ROBERT V. KATOSKIE, JOSEPH J., ET AL.

25-7096 SCYPHERS, DOUGLAS D. V. WASHINGTON

25-7097 LEWIS, GORDON R. V. SINCLAIR, RYAN

25-7101 HORVATH, MICHELLE V. SOLAR REFRIGERATION SERV., INC.

25-7102 HURT, JOHN V. ILLINOIS

25-7106 WILLIAMSON, DUSTIN R. V. SOUTH CAROLINA

25-7107 KABHA, KATY E. V. TEXAS

25-7108 GONSALVES, CELESTE V. GLAUBERMAN, STUART B.

25-7132 SMITH, CARLTON V. FLORIDA

25-7160 PRATHER, KELLI V. UNITED STATES

25-7170 HOGAN, DENNIS M. V. UNITED STATES

25-7171 DuBOSE, ZUMAR V. UNITED STATES

25-7173 SOWE, JOSEPH V. UNITED STATES

25-7175 TAYLOR, DIJUAN V. UNITED STATES

25-7176 ZAVALA-GARCIA, JOEL V. UNITED STATES

25-7227 DELFIN, JORGE V. FHUERE, SUPT.

25-7241 McEWEN, PIERRE L. V. FLORIDA

25-7304 RICHARDSON, RAYMOND A. V. HARLAN, SUPT., HUTTONSVILLE

The petitions for writs of certiorari are denied.

25-179 REININK, OFFICER V. HART, SEAN, ET AL.

The petition for a writ of certiorari is denied. Justice Thomas and Justice Alito would grant the petition and summarily reverse for essentially the reasons given in Judge Larsen's separate opinion. See *Hart* v. *Grand Rapids*, 138 F. 4th 409, 426–428 (CA6 2025).

25-790 NY FOOTBALL GIANTS, INC., ET AL. V. FLORES, BRIAN

The petition for a writ of certiorari is denied. Justice Kavanaugh would grant the petition for a writ of certiorari.

25-849 CONFERENCE OF CATHOLIC BISHOPS V. O'CONNELL, DAVID

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

25-919 UNION CARBIDE CORP., ET AL. V. SOMMERVILLE, LEE A.

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

HABEAS CORPUS DENIED

25-7296 IN RE PATRICK STARZENSKI

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

25-7071 IN RE NICHOLAS QUEEN

25-7084 IN RE JOSHUA ROBINSON

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

23-6912 FIELDS, SAMUEL V. PLAPPERT, WARDEN

25-465 BARTON, TIMOTHY V. SEC

25-815 KODE, SIDDHARTH V. PARGIN, JOSEPH, ET AL.

25-881 HADSELL, CHRISTOPHER V. ISHAM, CATHERINE

25-946 IN RE HADEN C. YONCE

25-5798 LERMAN, MIKHAEL Y. V. LERMAN, CELINE E.

25-6481 WEBSTER, BRENT E. V. REDWOOD HOLDINGS, LLC

25-6684 KAPACH, YEHONATAN V. NEW HAMPSHIRE

25-6717 ELKHARWILY, ALAA V. KAISER PERMANENTE, ET AL.

25-6724 KING, DIAMOND V. USPS, ET AL.

25-6796 MARTINEZ, CARLOS V. CALIFORNIA

The petitions for rehearing are denied.

25-6516 CALLOWAY, AUBURN V. UNITED STATES

The petition for rehearing is denied. Justice Kagan took no part in the consideration or decision of this petition. See 28 U. S. C. §455(b)(3) and Code of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior government employment).

Per Curiam

SUPREME COURT OF THE UNITED STATES

DAREN K. MARGOLIN, DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW *v.* NATIONAL ASSOCIATION OF IMMIGRATION JUDGES

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

No. 25–767. Decided May 26, 2026

PER CURIAM.

After the Executive Office for Immigration Review adopted a policy regulating immigration judges' work-related speech, an association of such judges (respondent here) challenged the policy in federal district court. The District Court held that respondent's challenge must proceed through the administrative review scheme established by the Civil Service Reform Act. But the Fourth Circuit vacated and remanded based on an issue the parties had not raised. That decision violated the principle of party presentation, and we reverse.

I

The Executive Office for Immigration Review sets policies governing the immigration courts. See 8 CFR §1003.0 (2024). In October 2021, it implemented a rule requiring immigration judges to obtain supervisory approval for public speeches relating to their official duties. Joint App. in No. 23–2235 (CA4), pp. 56–62. The policy was meant to ensure that employee speech which may be seen as bearing the "imprimatur" of the Office is consistent with its official positions. *Id.*, at 57.

Respondent challenged the policy in the Eastern District of Virginia, asserting violations of its members' First and Fifth Amendment rights. This Court has held that, under the Civil Service Reform Act of 1978 (CSRA), 92 Stat. 1122,

1125, 5 U. S. C. §§1205, 1206, Congress intended federal employees to bring most work-related grievances to the Merit Systems Protection Board (MSPB) and the Special Counsel—not to federal district court. See *United States* v. *Fausto*, 484 U. S. 439, 455 (1988); *Elgin* v. *Department of Treasury*, 567 U. S. 1, 11–12 (2012). Respondent thus accepted that "the CSRA channels judicial review of challenges to covered employment actions" to the MSPB. Opposition to Motion to Dismiss in No. 1:20–cv–731 (ED Va.), ECF Doc. 72, pp. 2–3. It argued only that its members' constitutional claims were not the *kind* of work-related claims that Congress intended to steer out of district court. See *id.*, at 21–30.

The District Court dismissed respondent's claims. The court, like respondent, acknowledged that "Congress intended to preclude district-court jurisdiction" over "covered actions" brought by federal employees. *National Assn. of Immigration Judges* v. *Neal*, 693 F. Supp. 3d 549, 569 (ED Va. 2023). And it held that respondent's claims were indeed "covered" by the CSRA. *Id.*, at 569–581.

Respondent appealed. It did "no[t] dispute that the CSRA provides the exclusive avenue for review of certain employment-related claims." Brief for Appellant in No. 23–2235 (CA4), ECF Doc. 11–1, p. 18; see also *id.*, at 21–22 ("Congress's intent to preclude district court jurisdiction is . . . manifest in the CSRA" (internal quotation marks omitted)). It again argued only that its specific claims were not covered under the CSRA's claim-channeling scheme. See *id.*, at 21–39.

The Fourth Circuit vacated and remanded. *National Assn. of Immigration Judges* v. *Owen*, 139 F. 4th 293 (2025). Like the District Court, it held that respondent's claims were covered by the CSRA. *Id.*, at 308–313. And the court recognized our precedent holding that "Congress designed the CSRA to divest district courts of jurisdiction to review legal challenges" like respondent's. *Id.*, at 313.

Nonetheless, it held that factual circumstances had "called into question" whether the CSRA was "functioning as Congress intended." *Id.*, at 304. Specifically, the court believed that legal challenges to the tenure protection afforded MSPB members and the Special Counsel, and the MSPB's lack of a quorum, may require a "new examination of Congressional intent" to channel covered claims out of district court. *Id.*, at 308. The court thus remanded for factfinding into the current operation of the MSPB. *Id.*, at 305, 313.

The Court of Appeals denied rehearing en banc. *National Assn. of Immigration Judges* v. *Owen*, 160 F. 4th 100 (CA4 2025). Judge Quattlebaum, joined by three judges, dissented.* He criticized the panel for "shirk[ing] party presentation principles" by deciding the case on a novel ground "without any party raising the issue and without requesting supplemental briefing." *Id.*, at 107–108, 118.

II

Federal courts adhere to the principle of party presentation. See *Clark* v. *Sweeney*, 607 U. S. 7, 9–10 (2025) (*per curiam*). That principle—the "rule that points not argued will not be considered"—distinguishes our adversarial system of justice from an inquisitorial one. *United States* v. *Burke*, 504 U. S. 229, 246 (1992) (Scalia, J., concurring in judgment). Because courts are "essentially passive instruments of government," we rely on the parties to "frame the issues for decision" and decide "only the questions presented." *United States* v. *Sineneng-Smith*, 590 U. S. 371, 375–376 (2020) (internal quotation marks omitted).

We recently reversed the Fourth Circuit for violating this party-presentation principle. In *Clark*, a state prisoner seeking federal habeas relief argued that his trial counsel was ineffective for failing to investigate whether the entire jury had been tainted by one juror's unauthorized crime-

*Chief Judge Diaz and Judge Niemeyer voted to grant rehearing en banc but did not join Judge Quattlebaum's dissent.

scene visit. 607 U. S., at 8–9. The District Court denied relief, but the Fourth Circuit reversed and granted a new trial. It did so based not on the prisoner's ineffective-assistance claim, but instead on "a combination of extraordinary failures from juror to judge to attorney" that deprived the prisoner of his confrontation and impartial-jury rights. *Id.*, at 9 (internal quotation marks omitted). We summarily reversed. By "granting relief" based on a claim that the prisoner "never asserted and that the State never had the chance to address," the Fourth Circuit "transgressed the party-presentation principle." *Ibid.*

So too here. The Fourth Circuit violated the party-presentation principle when it decided "a case different from the one [respondent] advanced." 160 F. 4th, at 118 (Quattlebaum, J., dissenting from denial of rehearing en banc). As respondent conceded below, our precedent establishes that Congress, through the CSRA, intended to channel covered claims to the MSPB. ECF Doc. 72, pp. 8–9; ECF Doc. 11–1, p. 18. The parties thus confined their arguments to the narrow question whether respondent's claims were, in fact, covered. Unsatisfied with rejecting respondent's arguments on that question, however, the Fourth Circuit *sua sponte* addressed a much broader one and remanded for further proceedings on that question. The court transformed respondent's argument that the CSRA did not channel *its* claims into one that the CSRA might not—in light of current conditions—channel *any* claims. And the court did so without giving either side a chance to address its theory. See *Clark*, 607 U. S., at 9. That "'drasti[c]'" departure from the principle of party presentation "'constitute[d] an abuse of discretion.'" *Id.*, at 10 (quoting *Sineneng-Smith*, 590 U. S., at 375).

Federal courts are not "roving commissions," *Broadrick* v. *Oklahoma*, 413 U. S. 601, 611 (1973), licensed to "'sally forth each day looking for wrongs to right,'" *Sineneng-Smith*, 590 U. S., at 376 (quoting *United States* v. *Samuels*,

808 F. 2d 1298, 1301 (CA8 1987) (Arnold, J., concurring in denial of rehearing en banc)). The Court of Appeals lost sight of those principles here.

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

It is so ordered.

SUPREME COURT OF THE UNITED STATES

DAREN K. MARGOLIN, DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW *v.* NATIONAL ASSOCIATION OF IMMIGRATION JUDGES

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

No. 25–767. Decided May 26, 2026

JUSTICE THOMAS, with whom JUSTICE BARRETT joins, concurring.

I agree with the Court that the Fourth Circuit erred by disregarding traditional party-presentation principles. I write separately to explain why the Fourth Circuit's decision was also wrong on the merits.

As the Fourth Circuit seemed to acknowledge, this Court's precedent establishes that the District Court lacked jurisdiction over this challenge to a federal workplace policy. The Civil Service Reform Act of 1978, 5 U. S. C. §1101 *et seq*., provides a statutory review scheme through which certain federal employees must raise certain workplace complaints. The scheme authorizes judicial review only after the employees have had their claims heard by the Merit Systems Protection Board (and sometimes the Office of the Special Counsel). §§1214, 7512, 7703; 28 U. S. C. §1295(a)(9). In *Elgin* v. *Department of Treasury*, 567 U. S. 1 (2012), this Court held that "covered employees appealing covered agency actions" must "proceed exclusively through the statutory review scheme." *Id*., at 10. Respondent concedes that its members are covered employees. The Fourth Circuit agreed that the workplace policy at issue is a covered agency action. *National Assn. of Immigration Judges* v. *Owen*, 139 F. 4th 293, 308–313 (2025). Thus, the Fourth Circuit had to acknowledge that, under *Elgin*, "the National Association of Immigration Judges would be required to

bring its case through [this] administrative scheme," which would require the dismissal of this case. 139 F. 4th, at 299; see also *id.*, at 305.

Nevertheless, the Fourth Circuit strained to avoid dismissal of the case based on its belief that new political considerations changed the governing law. The court explained that it would not allow its "black robes to insulate [it] from taking notice of items in the public record." *Id.*, at 313. Specifically, the Fourth Circuit worried that because "the President removed the Special Counsel" and "two members of the MSPB," there were now "serious questions as to whether the CSRA's adjudicatory scheme continues to function as intended." *Id.*, at 305. Congress designed the CSRA to rely on MSPB independence, the Fourth Circuit claimed, so now that "the Government has questioned the constitutionality of the removal protections enshrined in the CSRA," it was no longer clear that the statutory scheme was functioning as Congress intended. *Id.*, at 308. If it were not, the court reasoned, Congress might not have intended for such claims to be channeled to the MSPB any longer. The Fourth Circuit thus remanded to the District Court for factfinding as to how the CSRA scheme is functioning and whether a "new examination of Congressional intent may be required in light of changing circumstances." *Ibid.*

The Fourth Circuit's analysis bears little resemblance to legal interpretation. Neither the President's view that he can remove federal executive officials, see *Myers* v. *United States*, 272 U. S. 52 (1926), nor his having done so, change the meaning of the statute or the binding nature of this Court's interpretation of it. "Conditions may have changed, but the statute has not." *United States ex rel. Marcus* v. *Hess*, 317 U. S. 537, 547 (1943). Courts may not "rewrite the statutory scheme in order to approximate what we think Congress might have wanted had it known that" the President or courts may conclude that its removal

restrictions were "beyond its authority." *Seminole Tribe of Fla.* v. *Florida*, 517 U. S. 44, 76 (1996). Statutes change only when Congress changes them, not when judges decide that they no longer vindicate Congress's purposes. See U. S. Const., Art. I, §§1, 7.

As Judge Quattlebaum wrote in dissent, the Fourth Circuit's decision below "undermines important principles of our system of justice," including that law remains law despite the "political controversies of the day." *National Assn. of Immigration Judges* v. *Owen*, 160 F. 4th 100, 118 (2025) (en banc).

SUPREME COURT OF THE UNITED STATES

FLORIDA *v.* CALIFORNIA AND WASHINGTON

ON MOTION FOR LEAVE TO FILE A BILL OF COMPLAINT

No. 162, Orig. Decided May 26, 2026

The motion for leave to file a bill of complaint is denied.

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting from the denial of motion for leave to file complaint.

The State of Florida moved for leave to file a complaint against Washington and California for defying federal law by providing commercial driver's licenses to illegal aliens who cannot read English. The result of this practice, Florida alleges, is the disturbing phenomenon of illegal-alien truck drivers causing fatal accidents on the road. I respectfully dissent from the Court's denial of Florida's motion because we cannot refuse to hear suits between States.

I

On August 12, 2025, Harjinder Singh crashed a tractor-trailer into a minivan on the Florida Turnpike. While driving on the highway, Singh approached a sign clearly prohibiting U-turns and marking the turnaround area for "official use only." Singh inexplicably attempted a U-turn across the median anyway. Singh's U-turn swung his trailer across both lanes of the highway, where it could not be avoided by a minivan traveling behind him. All three passengers in the minivan died. Singh was arrested for vehicular homicide.

Law enforcement soon discovered that Singh, an Indian who had crossed the Mexican border illegally, likely could not read the road signs. After the crash, the Federal Motor Carrier Safety Administration tested Singh's English proficiency: It found that Singh could not correctly answer most

of its verbal questions and that he could identify only one out of four highway signs.

An illegal alien who cannot read English road signs cannot drive an 80,000-pound tractor-trailer. Federal law and regulations prohibit States from providing commercial driver's licenses to applicants unless they pass a driver's test, sufficiently understand the English language, and show appropriate immigration status. See 49 U. S. C. §§31308, 31311; 49 CFR §§383.71, 383.73, 383.111, 391.11 (2024); see also 90 Fed. Reg. 46523 (2025) (to be codified in 49 CFR §383.71); 91 Fed. Reg. 7102 (2026) (to be codified in 49 CFR §383.73). Although Singh failed his test at least ten times in Washington and at least one time in California, both Washington and California provided Singh with CDLs.*

Crashes like Singh's are disturbingly common. See Press Release, Dept. of Transportation, Trump's Transportation Secretary Sean P. Duffy Puts Safety First, Finalizes Rule To Stop Unqualified Foreign Drivers From Driving Big Rigs on American Roadways (Feb. 11, 2026) (collecting examples). The Department of Transportation seems to partly attribute this trend to "systemic non-compliance" with federal CDL standards in several States, including California. *Ibid.*

---

*Washington eventually admitted that it had erred when it licensed Singh. See A. Lockie, Washington Admits Mistake in Issuing Harjinder Singh and 685 Other Non-Citizens Full-Term CDLs, Overdrive, Oct. 1, 2025; Failed CDL Test 10 Times: New Details on Indian-Origin Harjinder Singh Who Took Wrong U-Turn in Florida, Killed 3, The Times of India, Oct. 25, 2025. California, for its part, issued Singh a nondomiciled CDL, a short-term license for immigrants who lack lawful-permanent-resident status. Under federal rules as they existed at the time, Singh had to show a valid work authorization. See 49 CFR §383.71(a)(5), (b)(9), (f)(2)(i) (2024). California now explains that, although Singh failed his initial driver's test, it issued the nondomiciled CDL only after he eventually passed.

After Singh's crash, Florida sought permission from this Court to file a lawsuit against Washington and California based on how those States provide CDLs to foreign drivers. Florida claims that Washington and California laws are preempted by federal law to the extent that they prohibit licensing officials from asking applicants about immigration status. Florida also claims that both States' disregard of federal commercial licensing standards constituted an actionable public nuisance. According to Florida, enforcement data suggest that neither State is adequately checking CDL holders for English proficiency.

Without explanation, the Court today denies Florida leave to file its suit and proceed to the motion-to-dismiss stage.

II

This Court has exclusive original jurisdiction over Florida's suit because it involves one State suing other States. Article III establishes that "[i]n all Cases . . . in which a State shall be [a] Party, the supreme Court shall have original Jurisdiction." §2, cl. 2. Congress has made our original jurisdiction "exclusive" in "all controversies between two or more States," meaning that no other court can hear this case. 28 U. S. C. §1251(a).

I doubt this Court has discretion to refuse to hear cases within its exclusive original jurisdiction. "We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Cohens* v. *Virginia*, 6 Wheat. 264, 404 (1821) (Marshall, C. J., for the Court). "If this Court does not exercise jurisdiction over a controversy between two States, then the complaining State has no judicial forum in which to seek relief." *Nebraska* v. *Colorado*, 577 U. S. 1211, 1212 (2016) (THOMAS, J., dissenting from denial of motion for leave to file complaint). The only statute addressing this Court's jurisdiction over these kinds of cases nowhere contemplates a process of discretionary

review. See §1251(a). Nonetheless, this Court has adopted a discretionary approach to its exclusive original jurisdiction based on "policy judgments that are in conflict with the policy choices that Congress made in the statutory text specifying the Court's original jurisdiction." *Id.*, at 1213. Thus, both JUSTICE ALITO and I have repeatedly called for revisiting the Court's precedents in this area. See, *e.g.*, *Texas* v. *California*, 593 U. S. ___ (2021) (ALITO, J., dissenting from denial of motion for leave to file complaint); *Alabama* v. *California*, 604 U. S. ___ (2025) (THOMAS, J., dissenting from denial of motion for leave to file complaint).

Even under the Court's discretionary approach, it likely should have granted Florida leave to file its complaint. The Court considers two factors: "the nature of the interest of the complaining State, focusing on the seriousness and dignity of the claim" and "the availability of an alternative forum in which the issue tendered can be resolved." *Mississippi* v. *Louisiana*, 506 U. S. 73, 77 (1992) (internal quotation marks and citation omitted). As to the first factor, this Court has described as a "model case" a dispute that "would amount to *casus belli* if the States were fully sovereign." *Ibid.* (internal quotation marks omitted). In other words, the Court asks whether the dispute would be a matter of diplomatic concern in the international arena. This case appears to meet that standard. A dispute over one nation sending dangerous people into another "would be the source of considerable international tension." *Texas*, 593 U. S., at ___ (opinion of ALITO, J.) (slip op., at 9). If Florida were an independent nation, it "might resolve [this] dispute by diplomacy, by submitting it to international arbitration, or by self-help measures." *Ibid.* By entering the Union, States agree to instead have such disputes resolved by this Court. As to the second factor, all appear to agree that Florida cannot sue Washington and California in any other forum. Even the Federal Government's enforcement authority over these matters contemplates judicial review

only in limited circumstances, so it may not result in the declaration of legal obligations that Florida seeks. See 49 CFR §§384.307(e), 384.405(g).

III

This Court declines to even hear Florida's claims, even though it has nowhere else to bring them. Because I would allow Florida to file its complaint, I respectfully dissent.