

(ORDER LIST: 602 U.S.)

TUESDAY, MAY 28, 2024

ORDERS IN PENDING CASES

23A933 BENSHOOF, KURT V. BRIER, FREYA, ET AL.
(23-7523)

The application for writ of injunction addressed to Justice Gorsuch and referred to the Court is denied.

23M96 ROBINSON, SAMUEL C. V. ROBINSON, KATHERINE L.

23M97 ESCOBEDO, RICKY V. GUTIERREZ, KATHERINE R., ET AL.

The motions for leave to file petitions for writs of certiorari with the supplemental appendices under seal are granted.

23M98 GONZALEZ, ELIZABETH V. BURROWS, CHAIR, EEOC

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

23-7043 HOLMES, C. V. BLUE CROSS BLUE SHIELD, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 18, 2024, 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.

CERTIORARI GRANTED

23-753 SAN FRANCISCO, CA V. EPA

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

22-1233 LAW OFFICES OF CRYSTAL MORONEY V. CFPB

23-617 POLLREIS, CASONDRA V. MARZOLF, LAMONT

23-724 WSV HOLDINGS, LLC V. 10K, LLC, ET AL.

23-773 ELEC. POWER SUPPLY ASSN. V. FERC, ET AL.

23-1023 SCHWENDIMANN, JODI A. V. NEENAH, INC.

23-1041 FLYING CROWN SUBDIVISION 1 AND 2 V. ALASKA RAILROAD CORPORATION

23-1049 AYANBADEJO, JOHN-HENRY V. GOOSBY, CHANEL, ET AL.

23-1059 WILLIAMS, PETER V. EPA, ET AL.

23-1066 CONTINUING CARE RISK GROUP V. BENSON, JACOB, ET AL.

23-1071 SZMANIA, DANIEL G. V. O'MALLEY, COMM'R, SOCIAL SEC.

23-1091 CALL-A-HEAD TOILETS, ET AL. V. NY DEPT. OF ENVTL., ET AL.

23-1131 TRAYLOR, MARCUS V. YORKA, GIDEON

23-1136 YAGI, P. KOICHI V. ESTATE OF ROBERT C. CANNON

23-1145 KIM, OJIN V. UNITED STATES

23-1156 KIM, EUN O., ET AL. V. PARCEL K-TUDOR HALL FARM

23-5597 MEDRANO, RODOLFO A. V. TEXAS

23-6755 YBARRA, ROBERT V. GITTERE, WARDEN

23-6781 NORMAN, STEPHANIE V. H. LEE MOFFITT CANCER CENTER

23-7029 SHEPARD, BYRON J. V. OKLAHOMA

23-7030 DYJAK, LOGAN V. HARPER, JOSEPH, ET AL.

23-7034 CARTER, MICHAEL V. HAYES, MEGAN, ET AL.

23-7048 DALCOLLO, JUSTIN L. V. WILLS, ANTHONY, ET AL.

23-7052 GAYLES-ZANDERS, SHIRRON J. V. NEVADA

23-7053 MARKLE, JONATHAN J. V. TEXAS

23-7059 PETERSON, ALISSA V. JACKSON CTY. DEPT. OF HHS

23-7060 FORD, MARCUS D. V. BUSS, WARDEN

23-7069 REDMOND, JESSE R. V. DISTRICT OF COLUMBIA

23-7077 ENGLISH, WAYNE M. V. CAGE, LOWELL T.

23-7082 SELKE, CHRISTOPHER A. V. RETAINED REALTY, INC.

23-7083 FERGUSON, ORLANDO K. V. MISSOURI

23-7085 TRYON, ISAIAH G. V. QUICK, WARDEN
23-7086 GARCIA, VINICIO J. V. LUMPKIN, DIR., TX DCJ, ET AL.
23-7087 BATES, NATASHA V. TENNESSEE
23-7088 HILL, BRIAN T. V. GASTELO, WARDEN
23-7101 REDMAN, DEBORAH A. V. UNITED STATES, ET AL.
23-7117 SWINT, ROBERT V. SUPREME COURT OF U.S., ET AL.
23-7118 FELICIANO, DANILO A. V. GARLAND, ATT'Y GEN.
23-7127 AKERMAN, MARTIN V. MERIT SYSTEMS PROTECTION BOARD
23-7139 WOODARD, EUGENIA V. TX DEPT. OF INSURANCE, ET AL.
23-7175 AYALA, PHILIP V. ALVES, SUPT., NORFOLK
23-7176 NARVAEZ, ALBERT E. V. FLORIDA
23-7186 ROLAND, ANTHONY V. DEPT. OF JUSTICE
23-7200 JOHNSON, WILLIE V. NELSON, WARDEN
23-7232 PAIR, QUOTEZ T. V. UNITED STATES
23-7238 DEVITO, RICHARD L. V. UNITED STATES
23-7243 BECKER, NATHANIEL B. V. UNITED STATES
23-7256 PEDELAHORE, JOHN V. UNITED STATES
23-7261 WALTON, GEARY W. V. THORNELL, DIR., AZ DOC, ET AL.
23-7263 ALLEN, EVERALD S. V. PAYNE, KEVIN
23-7268 MENTOR, PIKERSON V. UNITED STATES
23-7269 MAXI, WILLIS V. UNITED STATES
23-7278 SAMUELS, KASHEEN V. UNITED STATES
23-7280 THOMAS, DONTRELL L. V. UNITED STATES
23-7283 GOMEZ RODRIGUEZ, HECTOR M. V. UNITED STATES
23-7284 WALKER, NEAL M. V. UNITED STATES
23-7286 ARTHUR, FRANCIS V. UNITED STATES
23-7288 BARTOLOMEI, JORGE V. UNITED STATES
23-7292 FULLER, MORRIS V. UNITED STATES

23-7294 COTA, ROBERT V. UNITED STATES
23-7297 BENNETT, MARCUS V. UNITED STATES
23-7298 DANIELS, JONATHAN W. V. UNITED STATES
23-7304 GRANADO, MICHAEL A. V. UNITED STATES
23-7305 DAVIS, RONALD J. V. UNITED STATES
23-7307 MARROQUIN-BRAVO, SILVANO V. UNITED STATES
23-7308 HOLMES, MARVIN V. MILLER, SUPT., GREEN HAVEN
23-7336 CAO-BOSSA, WEILI V. NY DEPT. OF LABOR

The petitions for writs of certiorari are denied.

23-1073 BRUNSON, RALAND J. V. SOTOMAYOR, JUSTICE, USSC, ET AL.

The petition for a writ of certiorari is denied. Justice Sotomayor, Justice Kagan, and Justice Jackson took no part in the consideration or decision of this petition. See 28 U. S. C. §455(b)(5)(i) and Code of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(d)(i) (party to the proceeding).

23-5173 GUZMAN, JOSE L. V. FLORIDA
23-5455 CRANE, JOHN A. V. FLORIDA
23-5567 ARELLANO-RAMIREZ, CARLOS G. V. FLORIDA
23-5570 JACKSON, SCOTTIE A. V. FLORIDA
23-5575 SPOSATO, ANDREW V. FLORIDA
23-5579 MORTON, FITZROY C. V. FLORIDA
23-5794 AIKEN, JOSEPH V. FLORIDA
23-5965 ENRRIQUEZ, CODY V. FLORIDA
23-6049 MANNING, JIMMIE J. V. FLORIDA
23-6143 BARTEE, HOWARD N. V. FLORIDA
23-6289 SANON, WISBEN V. FLORIDA
23-6304 TILLMAN, ONTERRIOUS V. V. FLORIDA

The petitions for writs of certiorari are denied. Justice Gorsuch, dissenting from the denial of certiorari: I dissent for the reasons set out in *Cunningham v. Florida*, 602 U. S. ____ (2024) (Gorsuch, J., dissenting).

23-6753 AVENATTI, MICHAEL V. UNITED STATES

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

23-7066 WOOD, TREMANE V. QUICK, WARDEN

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

23-7068 JOHNSON, JABARI J. V. BRADY, JILL, 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*).

23-7287 MOHAMMED, KHAN V. UNITED STATES

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

HABEAS CORPUS DENIED

23-7390 IN RE GUY L. COULSTON

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

23-1026 IN RE PALANI KARUPAIYAN
23-1027 IN RE PALANI KARUPAIYAN
23-1070 IN RE PALANI KARUPAIYAN

The petitions for writs of mandamus and/or prohibition are denied.

REHEARINGS DENIED

23-817 DONATELLI, MICHAEL, ET AL. V. OLD ORCHARD BEACH, ME, ET AL.
23-6254 GRAVES, WILLIAM V. FLORIDA
23-6452 THOMAS, SHANNON R. V. UNITED STATES
23-6548 AVITABLE, ANDREW J. V. WYOMING
23-6670 FERNANDEZ, CATHERINE V. PEMBERTON BOARD TOWNSHIP, ET AL.
23-6710 AKERMAN, MARTIN V. DOIRON, SHERRI

The petitions for rehearing are denied.

23-723 MAYS, JOSEPH R. V. SMITH, WARDEN, ET AL.

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

GORSUCH, J., dissenting

SUPREME COURT OF THE UNITED STATES

NATOYA CUNNINGHAM *v.* FLORIDA

ON PETITION FOR WRIT OF CERTIORARI TO THE DISTRICT
COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT

No. 23–5171. Decided May 28, 2024

The petition for a writ of certiorari is denied.

JUSTICE GORSUCH, dissenting from the denial of certiorari.

“For almost all of this Nation’s history and centuries before that, the right to trial by jury for serious criminal offenses meant the right to a trial before 12 members of the community.” *Khorrami v. Arizona*, 598 U. S. ____, ____ (2022) (GORSUCH, J., dissenting from denial of certiorari) (slip op., at 9). Acutely concerned with individuals and their liberty, the framers of our Constitution sought to preserve this right for future generations. See *id.*, at ____–____ (slip op., at 2–3); Art. III, §2, cl. 3; Amdt. 6. Yet today, a small number of States refuse to honor its promise. Consider this case: A Florida court sent Natoya Cunningham to prison for eight years on the say of just six people.

Florida does what the Constitution forbids because of us. In *Williams v. Florida*, this Court in 1970 issued a revolutionary decision approving for the first time the use of 6-member panels in criminal cases. 399 U. S. 78, 103. In doing so, the Court turned its back on the original meaning of the Constitution, centuries of historical practice, and a “battery of this Court’s precedents.” *Khorrami*, 598 U. S., at ____ (slip op., at 6). Before *Williams*, this Court had said it was “not open to question” that a jury “should consist of twelve.” *Patton v. United States*, 281 U. S. 276, 288 (1930). We had understood “the jury referred to in the original Constitution and in the Sixth Amendment is a jury constituted, as it was at common law, of twelve persons.” *Thompson v. Utah*, 170

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U. S. 343, 349 (1898). Really, given the history of the jury-trial right before *Williams*, it was nearly “unthinkable to suggest that the Sixth Amendment’s right to a trial by jury is satisfied” by any lesser number. *Williams*, 399 U. S., at 122 (Harlan, J., concurring in result).

Yet *Williams* made the unthinkable a reality. In doing so, it substituted bad social science for careful attention to the Constitution’s original meaning. Pointing to academic studies, *Williams* tepidly predicted that 6-member panels would “probably” deliberate just as carefully as 12-member juries. 399 U. S., at 100–102. But almost before the ink could dry on the Court’s opinion, the social science studies on which it relied came under scrutiny. See, *e.g.*, H. Zeisel, . . . And Then There Were None: The Diminution of the Federal Jury, 38 U. Chi. L. Rev. 710, 713–715 (1971). Soon, the Court was forced to acknowledge “empirical data” suggesting that, in fact, “smaller juries are less likely to foster effective group deliberation” and may not produce as reliable or accurate decisions as larger ones. *Ballew v. Georgia*, 435 U. S. 223, 232–235 (1978) (plurality opinion). All in all, *Williams* was an embarrassing mistake—“wrong the day it was decided.” *Khorrami*, 598 U. S., at ___ (slip op., at 1).

Respectfully, we should have granted review in Ms. Cunningham’s case to reconsider *Williams*. In the years since that decision, our cases have insisted, repeatedly, that the right to trial by jury should mean no less today, and afford no fewer protections for individual liberty, than it did at the Nation’s founding. See, *e.g.*, *Apprendi v. New Jersey*, 530 U. S. 466 (2000); *Ramos v. Louisiana*, 590 U. S. 83 (2020). Repeatedly, too, our cases have warned of the dangers posed by the gradual “erosion” of the jury trial right. *Apprendi*, 530 U. S., at 483 (quoting *Jones v. United States*, 526 U. S. 227, 248 (1999)). Yet when called upon today to address our own role in eroding that right, we decline to do so. Worse still, in the last two years we have now twice turned away thoughtful petitions asking us to correct our

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mistake in *Williams*. See *Khorrami*, 598 U. S., at ____ (slip op., at 10).

If there are not yet four votes on this Court to take up the question whether *Williams* should be overruled, I can only hope someday there will be. In the meantime, nothing prevents the people of Florida and other affected States from revising their jury practices to ensure no government in this country may send a person to prison without the unanimous assent of 12 of his peers. If we will not presently shoulder the burden of correcting our own mistake, they have the power to do so. For, no less than this Court, the American people serve as guardians of our enduring Constitution.