

(ORDER LIST: 608 U.S.)

MONDAY, JUNE 8, 2026

CERTIORARI -- SUMMARY DISPOSITIONS

25-551 UNITED STATES V. JOHNSON, SHAHEEM

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 Fourth Circuit for further consideration in light of *Fernandez v. United States*, 608 U. S. \_\_\_ (2026) and *Rutherford v. United States*, 608 U. S. \_\_\_ (2026). Justice Sotomayor and Justice Jackson would deny the petition for a writ of certiorari.

25-867 WALTERS, DIR., VA DOC V. COLEMAN, CHRISTOPHER

The motion of respondent for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Clark v. Sweeney*, 607 U. S. 7 (2025) (*per curiam*).

25-879 AMERICAN GAS ASSOCIATION, ET AL. V. DEPT. OF ENERGY, 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 District of Columbia Circuit for further consideration in light of the position asserted by the Solicitor General in his brief for the United States filed on April 28, 2026.

25-6544 OLIVARRIA, LOUIS V. CALIFORNIA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeal of California, Third Appellate District for further consideration in light of the position asserted by California in its brief filed on May 6, 2026.

**ORDERS IN PENDING CASES**

25A1157 WALKER, CALVIN G. V. TEXAS

The application for stay addressed to Justice Jackson and referred to the Court is denied.

25A1204 WARD, STEVEN V. NYT OWNER, LLC

The application for stay addressed to Justice Thomas and referred to the Court is denied.

25M81 JONES, WILLIAM D. V. DEFENSE SUPPLY CENTER

The motion for leave to proceed as a veteran is denied.

25M82 GASPER, DAVID V. EIDP, INC., ET AL.

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted. Justice Alito took no part in the consideration or decision of this motion.

25M83 MACEDON, MONICA B. V. CASTLE, JACKIE, ET AL.

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

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

The United States' claims in this case are hereby dismissed with prejudice.

- 25-1004 CITIZENS BANK, N.A. V. CONTI, JOHN  
 Respondent is requested to file a response to the petition for rehearing within 30 days.
- 24-1046 WOLFORD, JASON, ET AL. V. LOPEZ, ATT'Y GEN. OF HI  
 The motion of petitioners to file a supplemental brief after argument is granted.
- 25-352 YOUNGE, JASMINE V. FULTON JUDICIAL CIR. DIST. ATT'Y  
 The motion of petitioner to dispense with printing the joint appendix is granted.

**CERTIORARI DENIED**

- 24-6126 ELLIOTT, JOEL S. V. UNITED STATES
- 25-81 ORTA, LOIS J. V. UNITED STATES, ET AL.
- 25-563 McLEOD, LOGAN A. V. UNITED STATES
- 25-742 ZHONG, ZHUO H. V. UNITED STATES
- 25-831 C. S. V. McCRUMB, CRAIG, ET AL.
- 25-1015 ROBLES, NICHOLAS, ET AL. V. PARHAM, RONNIE
- 25-1095 SUNDAY, ATT'Y GEN. OF PA, ET AL. V. TRANSOURCE PA, LLC, ET AL.
- 25-1147 SMITH, ROCHELLE L. V. GENERAL MOTORS, L.L.C.
- 25-1150 MORSE, ROGER L. V. USDC ED VA
- 25-1157 NAT. COALITION FOR MEN, ET AL. V. SELECTIVE SERV. SYS., ET AL.
- 25-1164 CALLIOUX, ROBERT R. D. V. LANG, SEC., WA DOC, ET AL.
- 25-1167 MIAO, YUBO V. UNITED AIRLINES, INC.
- 25-1168 PETERSON, RALPH V. SUTTER BAY MEDICAL, ET AL.
- 25-1173 HALL, JOHN E. V. EXPERIAN INFORMATION, ET AL.
- 25-1184 DeBOSE, ANGELA W. V. FL POLYTECHNIC UNIV. TRUSTEES
- 25-1186 KOCAK, KEMAL V. HARMONY PUB. SCH.
- 25-1202 LAPOTSKY, EDWARD A. V. DRISCOLL, SEC. OF ARMY
- 25-1212 RYAN, ASHTON J. V. UNITED STATES

25-1226       SCHOEPS, JULIUS H., ET AL. V. SOMPO HOLDINGS, INC., ET AL.  
25-1251       MARATHON, FL V. SHANDS, RODNEY, ET AL.  
25-5480       HAGINS, SEAN L. V. UNITED STATES  
25-6010       KLUGE, KARL P. V. UNITED STATES  
25-6260       JOHNSON, RICHARD V. UNITED STATES  
25-6386       HAROLD, GAVIN M. V. UNITED STATES  
25-6520       MORGAN, STEVEN G. V. UNITED STATES  
25-6563       STEPHENS, GARY C. V. UNITED STATES  
25-6599       WHITMAN, HARRY V. UNITED STATES  
25-6679       BALDWIN, SHAWN V. UNITED STATES  
25-6689       BEJARANO, JOHN V. BEAN, WARDEN  
25-6798       PEMBERTON, JAY V. BELL'S BREWERY, INC.  
25-6828       TOURE, ABRON V. AM. EXPRESS NAT. BANK  
25-6947       WEISHEIT, JEFFREY A. V. NEAL, WARDEN  
25-7135       NAIR, JAYAKRISHNAN, ET AL. V. TOTH, ALEX, ET AL.  
25-7138       MOULTRIE, EDDIE J. V. EDWARDS, G.  
25-7144       PHILLIPPI, BRUCE V. ALLO, ACTING WARDEN  
25-7153       PEREZ, STEVEN A. V. CALIFORNIA  
25-7156       HAMILTON, HEZEKIAH V. ILLINOIS  
25-7159       HELGESON, SETH N. V. GREENWOOD, JUDGE, ET AL.  
25-7161       REESE, DAVID N. V. UTHMEIER, ATT'Y GEN. OF FL  
25-7162       LYNCH, DONALD C. V. KENTUCKY  
25-7163       SUMLER, NaQUON V. NEW YORK  
25-7208       COBURN, ALBERT W. V. WA DEPT. OF CHILDREN  
25-7212       ADAMS, THOMAS M. V. UNITED STATES  
25-7215       JACOBS, DONALD A. V. UNITED STATES  
25-7219       JACKSON, CEDRIC C. V. UNITED STATES  
25-7221       SALINAS, JORGE A. V. UNITED STATES

25-7222 MOLINA-MONCIVAIS, JOSE I. V. UNITED STATES  
25-7225 MARCH, ANTHONY W. V. UNITED STATES  
25-7226 FRANCIS, ELIAS P. V. UNITED STATES  
25-7234 FLANAGAN, WILLIAM V. UNITED STATES  
25-7235 HARRIS, KELLY V. UNITED STATES  
25-7238 REYES, EDDY V. UNITED STATES  
25-7239 CUSICK, JAMES P. V. DEPT. OF JUSTICE  
25-7242 HARRELSON, JONATHAN V. MISSISSIPPI  
25-7244 YANEZ, RICKY P. V. UNITED STATES  
25-7245 STEINMAN, TRISTON H. V. UNITED STATES  
25-7248 HENSLEY, TERRY D. V. UNITED STATES  
25-7260 MUKHINA, ELENA V. WALMART, INC.  
25-7261 STARR, JASON V. UNITED STATES  
25-7262 KWUSHUE, SAMUEL V. UNITED STATES  
25-7267 JOHNSON, ANTOINE L. V. UNITED STATES  
25-7268 REYNA, JOSE V. UNITED STATES  
25-7270 GALLOWAY, ANGELO V. UNITED STATES  
25-7279 WYCHE, KEITH V. UNITED STATES  
25-7280 BEAUFORT, FREDERICK S. V. UNITED STATES  
25-7282 BOUDREAU, CHRISTOPHER T. V. UNITED STATES  
25-7283 SMITH, JUSTIN C. V. UNITED STATES  
25-7307 ROBINSON, TIMOTHY W. V. CAUDILL, WARDEN  
25-7355 TEPPER, FRANK V. CLOSE, SUPT., HOUTZDALE, ET AL.

The petitions for writs of certiorari are denied.

25-1029 UNITED STATES V. COCKERHAM, EDWARD

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

25-1039 UNITED STATES V. HOPSON, JASON R.

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

25-1207 MINNESOTA V. STEEPROCK, SENECA W.

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

25-5054 BLACK, EURAL V. UNITED STATES

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

25-7237 KISSI, DAVID V. DEPT. OF JUSTICE

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.

**HABEAS CORPUS DENIED**

25-7382 IN RE RAYMOND R. PEOPLES

25-7393 IN RE BILLIE J. ALLEN

25-7405 IN RE ROY A. NICHOLS

The petitions for writs of habeas corpus are denied.

**PROHIBITION DENIED**

25-6881 IN RE RYAN P. GIVEY

The petition for a writ of prohibition is denied.

**REHEARINGS DENIED**

25-940 ZIRVI, MONIB V. AKIN GUMP STRAUSS HAUER, ET AL.

25-6258 JULIAN, PAMELA S. V. AMETAJ, DHURATA, ET AL.

25-6770 GRAY, HEATH W. V. PA, DEPT. OF STATE

25-6967 WARD, STEVEN V. THOS D. WALSH, INC., REALTORS

The petitions for rehearing are denied.

**ATTORNEY DISCIPLINE**

D-3165 IN THE MATTER OF DISCIPLINE OF LARRY ELLIOT KLAYMAN

Larry Elliot Klayman, of Boca Raton, Florida, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3147 IN THE MATTER OF DISBARMENT OF ANTHONY EDWARD KOHLER

Anthony Edward Kohler, of Springfield, Ohio, having been suspended from the practice of law in this Court by order of August 18, 2025; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Anthony Edward Kohler is disbarred from the practice of law in this Court.

D-3148 IN THE MATTER OF DISBARMENT OF CAROLYN KAYE RANKE

Carolyn Kaye Ranke, of Cleveland, Ohio, having been suspended from the practice of law in this Court by order of August 18, 2025; and a rule having been issued requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Carolyn Kaye Ranke is disbarred from the practice of law in this Court.

D-3149 IN THE MATTER OF DISBARMENT OF VINCENT MARK AMBERLY

Vincent Mark Amberly, of Leesburg, Virginia, having been suspended from the practice of law in this Court by order of August 18, 2025; and a rule having been issued requiring him to

show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Vincent Mark Amberly is disbarred from the practice of law in this Court.

D-3152

IN THE MATTER OF DISBARMENT OF PATRICK FRANCIS MANGAN

Patrick Francis Mangan, of Columbus, Ohio, having been suspended from the practice of law in this Court by order of September 5, 2025; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Patrick Francis Mangan is disbarred from the practice of law in this Court.

D-3153

IN THE MATTER OF DISBARMENT OF BRUCE ALLEN JOHNSON, JR.

Bruce Allen Johnson, Jr., of Alexandria, Virginia, having been suspended from the practice of law in this Court by order of September 5, 2025; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Bruce Allen Johnson, Jr. is disbarred from the practice of law in this Court.

D-3154

IN THE MATTER OF DISBARMENT OF JAMES A. MOODY

James A. Moody, of Washington, District of Columbia, having been suspended from the practice of law in this Court by order of September 5, 2025; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that James A. Moody is disbarred from the practice of law in this Court.

D-3156

IN THE MATTER OF DISBARMENT OF GEORGE P. GUERTIN

George P. Guertin, of North Haven, Connecticut, having been suspended from the practice of law in this Court by order of November 10, 2025; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that George P. Guertin is disbarred from the practice of law in this Court.

D-3157

IN THE MATTER OF DISBARMENT OF SCOTT ERIC DIAMOND

Scott Eric Diamond, of Philadelphia, Pennsylvania, having been suspended from the practice of law in this Court by order of November 10, 2025; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Scott Eric Diamond is disbarred from the practice of law in this Court.

Statement of SOTOMAYOR, J.

**SUPREME COURT OF THE UNITED STATES**

TONY TERRELL CLARK *v.* MISSISSIPPI

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF MISSISSIPPI

No. 25–6846. Decided June 8, 2026

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

Although I agree with the Court’s decision to deny certiorari for the reason explained below, I write separately to address the problematic standard the Mississippi Supreme Court applied to the claim petitioner Tony Terrell Clark raised under *Batson v. Kentucky*, 476 U. S. 79 (1986), in the context of his ineffective-assistance-of-counsel claim.

During Clark’s capital trial, the prosecution struck Black prospective jurors at a rate more than five times that of white jurors. The prosecution also conducted dubious “special investigations into some of the most qualified Black prospective jurors in an attempt to disqualify them,” but did not investigate similarly situated white jurors. *Clark v. Mississippi*, 600 U. S. \_\_\_, \_\_\_–\_\_\_ (2023) (SOTOMAYOR, J. dissenting from denial of certiorari) (slip op., at 5–6). Many of the prosecution’s proffered reasons for striking Black jurors, moreover, applied equally to white jurors that it did not strike. For instance, the record “reveal[ed] a double standard where the State struck Black jurors who took anything but the most hardline pro-death penalty position, but not white jurors who expressed serious doubts about the death penalty.” *Id.*, at \_\_\_ (slip op., at 8).

Despite all this, the Mississippi Supreme Court concluded on direct appeal that the State had not violated *Batson*. In determining that none of the prosecution’s strikes were “‘motivated in substantial part by discriminatory

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intent,” *Flowers v. Mississippi*, 588 U. S. 284, 303 (2019), the court relied, in part, on the fact that Clark’s trial counsel did not present a “comparative analysis of minority and non-minority jurors to show disparate treatment” during the *Batson* proceedings. *Clark v. State*, 343 So. 3d 943, 961–962 (2022). The court declined to conduct that analysis in the first instance. *Id.*, at 962.

Clark then filed a habeas petition in state court and argued that, in the context of the *Batson* proceedings, his trial counsel was constitutionally ineffective under *Strickland v. Washington*, 466 U. S. 668 (1984). To succeed under *Strickland*, a defendant must make two independent showings. First, that his counsel’s performance was deficient, meaning that the counsel’s error was “so serious that [he] was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment.” *Id.*, at 687. Second, that the deficient performance “prejudiced the defense,” *ibid.*, meaning that there is “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different,” *id.*, at 694.

The Mississippi Supreme Court held that Clark’s ineffective-assistance claim failed on both grounds. As the court saw it, Clark did not prove that his “counsel’s performance before the trial court was deficient” or that his “counsel’s performance deprived him of a fair trial with a reliable result.” 418 So. 3d 1226, 1232 (2025). In conducting the prejudice analysis, the court relied on *Powers v. State*, 371 So. 3d 629 (Miss. 2023), which assessed whether “the outcome of the trial would have been different” if, but for the counsel’s deficient performance, a properly presented *Batson* challenge had succeeded and the Black jurors had not been struck. See 371 So. 3d, at 682, 684, 690–691. In other words, in Mississippi, showing that prejudice resulted from counsel’s ineffective presentation of a *Batson* claim requires proving not only that the *Batson* claim would have succeeded, but that this success would have produced a

Statement of SOTOMAYOR, J.

different substantive outcome at a trial: for example, that a defendant would have been acquitted rather than convicted.

Other courts have taken a different approach. They understand the “prejudice” analysis in this context to require asking only whether the “*Batson* challenge would have been successful” but for the counsel’s deficient performance, without further inquiry into whether a hypothetical jury that included jurors who were struck based on their race would have voted differently. See, e.g., *Yazzie v. State*, 2021 WY 72, ¶¶21–24, 487 P. 3d 555, 563; see also *Carew v. Morton*, 150 F. 4th 150, 171, n. 17 (CA2 2025) (recognizing this conflict and collecting cases). In other words, the relevant “proceeding” for *Strickland* purposes, 466 U. S., at 694, is the *Batson* proceeding, not the trial that follows.\*

The Mississippi Supreme Court’s approach, to the extent it requires a criminal defendant to show that a competently presented *Batson* challenge would have produced a different trial outcome, is almost certainly wrong.

To start, it misunderstands the nature of a *Batson* error. Generally, constitutional errors do not “‘automatically require reversal of a conviction.’” *Weaver v. Massachusetts*, 582 U. S. 286, 294 (2017). Instead, a conviction can stand despite most constitutional errors at trial if the government proves beyond a reasonable doubt that a given error was harmless and did not “‘contribute to the verdict obtained.’” *Ibid.* “Structural” errors, however, are different. These errors “‘defy analysis by ‘harmless-error’ standards’ because they ‘affec[t] the framework within which the trial

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\*Other courts, in unpublished opinions, have agreed with the Mississippi Supreme Court, requiring defendants raising *Strickland* claims regarding *Batson* errors to prove that a competently presented *Batson* challenge would have succeeded and that this success would have changed the result of trial. See, e.g., *Hutchinson v. Superintendent Greene SCI*, 860 Fed. Appx. 246, 249 (CA3 2021); *Parks v. Chapman*, 815 Fed. Appx. 937, 943 (CA6 2020).

Statement of SOTOMAYOR, J.

proceeds,” which means that their “consequences . . . are necessarily unquantifiable and indeterminate.” *United States v. Gonzalez-Lopez*, 548 U. S. 140, 148, 150 (2006). Thus, when made, structural errors require “‘automatic reversal.’” *Weaver*, 582 U. S., at 299.

When raised as a standalone claim (that is, not as part of an ineffective-assistance claim), *Batson* has always been treated as a structural error not subject to harmless-error analysis. See, e.g., *Weaver*, 582 U. S., at 301 (noting that successful *Batson* claims result in “automatic relief”); *Rivera v. Illinois*, 556 U. S. 148, 161 (2009) (characterizing *Batson* as an “automatic reversal preceden[t]”); *Snyder v. Louisiana*, 552 U. S. 472, 474 (2008) (reversing conviction based on *Batson* error without assessing harmless-ness); cf. *Vasquez v. Hillery*, 474 U. S. 254, 263–264 (1986) (holding that racial discrimination in grand jury selection is a structural error). There is no sound basis for treating *Batson* differently in the context of an ineffective-assistance claim.

This Court in *Weaver v. Massachusetts* addressed the interplay between *Strickland* prejudice and other structural errors. There, the Court held that a defendant must show *Strickland* prejudice “in the ordinary sense” (meaning a different trial outcome) when one kind of structural error, the violation of the right to a public trial, is raised “via a claim alleging ineffective assistance of counsel.” 582 U. S., at 293, 303. The Court clarified, however, that this answer may not hold true for other structural errors, and that “the nature of the error” and “the reasons an error is deemed structural may influence the proper standard used to evaluate an ineffective-assistance claim premised on the failure to object to that error.” *Id.*, at 294, 302; see *id.*, at 300 (making clear that *Strickland*’s “prejudice inquiry is not meant to be applied in a ‘mechanical’ fashion”).

A *Batson* error is one such error that likely requires a different standard for prejudice. *Weaver*, for example, observed that “not every public-trial violation will in fact lead

Statement of SOTOMAYOR, J.

to a fundamentally unfair trial.” 582 U. S., at 300. The same does not hold true for *Batson* violations, given that “[i]n the eyes of the Constitution, one racially discriminatory peremptory strike is one too many.” *Flowers*, 588 U. S., at 298. It is the racial discrimination in jury selection itself, not merely its effect on the outcome of trial, that causes the harms (to defendants, jurors, and the process itself) with which *Batson* is principally concerned. See, e.g., *Powers v. Ohio*, 499 U. S. 400, 412–413 (1991).

Yet there is an even clearer reason why the default prejudice standard should not apply here. Asking a defendant to demonstrate a reasonable probability that the jury would not have convicted him had his counsel successfully raised the *Batson* error imposes the burden to persuade courts “of the very conclusion that *Batson* prohibits: that the race of jurors affects their thinking as jurors.” *Eagle v. Linahan*, 279 F. 3d 926, 943–944, n. 22 (CA11 2001). *Batson* and its progeny are premised on the idea that a person’s race (and gender) is simply “unrelated to his fitness as a juror.” *Batson*, 476 U. S., at 87; cf. *J. E. B. v. Alabama ex rel. T. B.*, 511 U. S. 127, 149 (1994) (O’Connor, J., concurring) (“[T]he import of our holding is that any correlation between a juror’s gender and attitudes is irrelevant as a matter of constitutional law”). *Batson*, for example, rejected the idea “that a prosecutor could strike a black juror based on an assumption or belief that the black juror would favor a black defendant.” *Flowers*, 588 U. S., at 299. It follows that a defendant cannot make, and courts should not accept, that same argument to prove prejudice. Requiring a defendant to show that a missing, meritorious *Batson* claim would have affected the trial outcome is thus fundamentally inconsistent with *Batson*’s foundational principles.

The Court should one day resolve the conflict outlined above and hold that *Strickland* does not require the kind of prejudice analysis that the Mississippi Supreme Court has adopted for *Batson*-related ineffectiveness claims.

Statement of SOTOMAYOR, J.

Unfortunately, this case, at least in its current procedural posture, does not present a viable path for doing so. As noted, *Strickland* requires defendants to make two independent showings to succeed (deficiency and prejudice), and the Mississippi Supreme Court concluded that Clark failed to satisfy either one. Before this Court, Clark does not argue that his counsel was so ineffective at trial that he “was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment.” *Strickland*, 466 U. S., at 687. Given the independent basis on which Clark’s *Strickland* claim failed below, I concur in the denial of Clark’s petition for a writ of certiorari.