(ORDER LIST: 608 U.S.)

MONDAY, JUNE 22, 2026

CERTIORARI -- SUMMARY DISPOSITIONS

25-862 NEWBERRY, MICHAEL J. V. TEXAS

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Court of Criminal Appeals of Texas for further consideration in light of the position asserted by Texas in its brief filed on April 15, 2026.

25-6885 BUSBY, JEFFREY D. V. MISSISSIPPI

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 Supreme Court of Mississippi for further consideration in light of the position asserted by Mississippi in its brief filed on May 14, 2026.

ORDERS IN PENDING CASES

25M87 GNANAM, PALANIKUMAR V., ET AL. V. KEITA, NATHANIEL C., ET AL.

The motion for leave to file a petition for a writ of certiorari with the declaration of indigency under seal is denied.

25M88 BUENAVENTURA, IAN S. R. V. BUOT, LESLIE G. C.

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is denied.

25M89 LI, ZHI MING V. LIQUID WEB INC

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

25-183 CROWTHER, THOMAS, ET AL. V. BD. OF REGENTS UNIV. GA, ET AL.

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

25-1002 SAADEH, RAJEH A. V. NJ STATE BAR ASSN.

25-1018 PhRMA V. O'DAY, DIR., OR DEPT. CONSUM.

The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

25-6193 IN RE GERALD NELSON

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

25-7311 PRICE, LYNNE A. V. CIR

25-7384 ASHRAF, SUALEH K. V. DEA

25-7440 McWILLIAMS, RICHARD H. V. USDC NE

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until July 13, 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 GRANTED

25-417 NIELSEN, FRANCIS V. WATANABE, KEKAI

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

25-739 HIRSCH, HERBERT, ET AL. V. UNITED STATES TAX COURT

25-888 ANOKA HENNEPIN EDUCATION MN V. HUIZENGA, DON, ET AL.

25-890 ARKANSAS UNITED, ET AL. V. THURSTON, SEC., ET AL.

25-923 YODER, MIKE, ET AL. V. BOWEN, SCOTT

25-936 BARNES, NADARIUS V. UNITED STATES

25-988 MURRIN, STEPHANIE V. CIR

25-999 MILLER, BRANDON Z. V. UNITED STATES

25-1011 DOLBY LAB. LICENSING CORP. V. UNIFIED PATENTS, LLC

25-1079 RMS OF GA, LLC V. EPA, ET AL.

25-1086 PHARMS, KEITH V. UNITED STATES

25-1172 WEIMAN, JULIE A. V. WINE, ALYN D., ET AL.

25-1175 WILLIAMS, ARCHIE V. BATON ROUGE, LA, ET AL.

25-1213 FERRELL, WILLIAM H. V. DEPT. OF INTERIOR

25-1225 KARIM-SEIDOU, SALISSOU V. CMA CGM (AM.) LLC, ET AL.

25-1229 SALYERS, SILAS V. WALKER, CLIFFORD B.

25-1232 MALLOY, KARL L. V. SCHELIN, KRISTIN E., ET AL.

25-1233 MALLOY, KARL L. V. SCHELIN, KRISTIN E., ET AL.

25-1234 MALLOY, KARL L. V. SCHELIN, KRISTIN E., ET AL.

25-1237 PHILLIPS, NEIL V. UNITED STATES

25-1239 SAINE, RICCO V. UNITED STATES

25-1244 LAUTERS, ABIGAIL, ET AL. V. EVNEN, NE SEC. OF STATE, ET AL.

25-1247 GAME PLAN, INC. V. UNINTERRUPTED IP, LLC

25-1253 GEDDIS, RONALD V. UNITED STATES

25-1257 HINDS, TERRY L. V. TRUMP, PRESIDENT OF U.S., ET AL.

25-1259 VALAME, VIKRAM V. TRUMP, PRESIDENT OF U.S., ET AL.

25-1264 OWOC, JOHN H. V. MONSTER ENERGY COMPANY

25-1286 ISLAM, ABDUR R. V. UNITED STATES

25-1297 DOE, JANE V. SELIGER, GLENN M., ET AL.

25-6876 RILEY, JOQUETTA V. UNITED STATES

25-6922 McELVEEN, BJ V. LOUISIANA

25-6940 JOHNSON, OMAR V. NEW YORK

25-7210 MOORE, CHRISTINA V. HARRISONBURG POLICE, ET AL.

25-7223 TRAKSELIS, JOHN A. V. JUSTICE, IL, ET AL.

25-7229 HAEBERLI, AYLA V. USDC MD FL

25-7230 LONG, KEVIN M. V. CALIFORNIA

25-7236 CZEKALSKI, JASON A. V. WRENN, WILLIAM L., ET AL.

25-7240 KIMES, LARRY W. V. UNITED STATES

25-7251 MANCHANDA, RAHUL D. V. SENDEROFF, DOUGLAS, ET AL.

25-7258 SMITH, MERWIN V. UNITED STATES

25-7263 POLO, FRANK E. V. BERNSTEIN, SCOTT, ET AL.

25-7272 NEALY, TONNIE V. MASTERS, MELINDA, ET AL.

25-7281 HOLLOWAY, TYRONE V. WALTERS, DIR., VA DOC

25-7289 MARKS, LAVELLE E. V. RURKA, ACTING WARDEN

25-7291 IBARRA-VASQUEZ, JOSE A. V. UNITED STATES

25-7295 SHAVER, SCOTTIE B. V. RURKA, ACTING WARDEN

25-7297 MATUTE-RODRIGUEZ, HECTOR V. UNITED STATES

25-7298 SALAZAR, GERSON A. R. V. UNITED STATES

25-7300 COOGLE, TIMOTHY S. V. UNITED STATES

25-7308 GONZALEZ, MAURICIO V. UNITED STATES

25-7309 GREENLAW, CRYSTAL V. UNITED STATES

25-7312 RICHARDS, TIMOTHY L. V. UNITED STATES

25-7313 WARREN, LaQUAN V. UNITED STATES

25-7314 GRIFFITH, BILLY J. V. UNITED STATES

25-7315 SIMS, PATRICK V. UNITED STATES

25-7316 RABAN, ANTOAN V. UNITED STATES

25-7317 KRIEG, ERIC V. UNITED STATES

25-7323 LEWIS, RICHARD D. V. UNITED STATES

25-7325 CAMACHO-FLORES, JOSE A. V. UNITED STATES

25-7326 TAYLOR, MARCUS R. V. UNITED STATES

25-7327 CARTER, STANLEY J. V. PAYNE, DIR., AR DOC

25-7328 DEWEESE, LISA A. V. UNITED STATES

25-7330 GOULD, JAMES V. UNITED STATES

25-7331 EVANS, TERRY G. V. UNITED STATES

25-7333 PEREZ-RODRIGUEZ, MIGUEL ANGEL V. UNITED STATES

25-7334 ALLEN, ONEIL V. UNITED STATES

25-7335 LAWRENCE, KEVIN V. UNITED STATES

25-7337 REESE, LISA Y. V. UNITED PETROLEUM TRANSPORTS

25-7340 DUNBAR, MICHAEL L. V. UNITED STATES

25-7341 MENDOZA, RYAN V. UNITED STATES

25-7342 ERVING, DAZMINE V. UNITED STATES

25-7343 CRAWFORD, QUIONTE V. UNITED STATES

25-7344 GOINES, JEREMY T. V. UNITED STATES

25-7346 LAMBORN, JOSEPH D. V. UNITED STATES

25-7349 PATEL, RAJESH M. V. UNITED STATES

25-7350 CHONG-AGUAYO, RUBEN E. V. UNITED STATES

25-7351 JONES, LAWRENCE L. V. UNITED STATES

25-7352 SANCHEZ-FACUNDO, JOSE O. V. UNITED STATES

25-7354 WILLIAMS, MICHAEL D. V. UNITED STATES

25-7358 BRAVO, RENE V. UNITED STATES

25-7359 BLAND, KY'ONTE A. V. UNITED STATES

25-7362 CARMEN, ARVIN T. V. UNITED STATES

25-7365 RODRIGUEZ, ANTONIO L. V. UNITED STATES

25-7367 LEWIS, JORDAN D. V. UNITED STATES

25-7375 JULIEN, DYWAND D. V. STANCIL, EXEC. DIR., CO, ET AL.

25-7383 CASTRO, RODNEY I. V. UNITED STATES

25-7386 LEONARD, DESMONTE D. V. UNITED STATES

25-7387 CRAWFORD, JUWAN D. V. UNITED STATES

25-7388 KRUSE, CHARLES L. V. UNITED STATES

25-7389 FLORES, ISAIAH A. V. UNITED STATES

25-7390 EISENMANN, GARY L. V. THORNELL, DIR., AZ DOC, ET AL.

25-7391 RANDALL, VON A. V. UNITED STATES

25-7394 SIMMONS, MYKELTI A. V. UNITED STATES

25-7395 SEPEDA, CHRISTOPHER S. V. UNITED STATES

25-7397 VENSON, MARCUS V. UNITED STATES

25-7400 BADSEY, CHRISTOPHER J. V. UNITED STATES

25-7404 ORTIZ, FRANCISCO V. UNITED STATES

25-7407 MARTIN, TIMOTHY V. USAA GENERAL INDEMNITY CO.

25-7409 SULLIVAN, LEIHINAHINA V. UNITED STATES

25-7410 HAMPTON, KARL V. UNITED STATES

25-7411 CANNON, JOHNNIE A. V. UNITED STATES

25-7417 LINOT, CARMEL V. UNITED STATES

25-7420 BEASLEY, ALVIN V. UNITED STATES

25-7421 HERNANDEZ, JAVIER V. UNITED STATES

25-7422 BELLHOUSE, JOHN R. V. UNITED STATES

25-7427 PITTMAN, LEWIS E. V. UNITED STATES

25-7428 SALGADO, NOEL V. UNITED STATES

25-7436 LERMA-ROBLEDO, JOSE V. UNITED STATES

25-7438 SABLAN, RUDY P. H. V. UNITED STATES

25-7447 MITCHELL, NELSON C. V. MASSACHUSETTS

25-7449 MULLINS, TYLER J. V. UNITED STATES

25-7451 BANKS, JEREMIAH V. PIERCE, WARDEN

25-7453) EVANS, NELSON V. UNITED STATES
)
25-7454) JACKSON, LANDIS V. UNITED STATES

25-7455 LEWIS, MAKALE K. V. UNITED STATES

25-7456 TELUSME, STEVE V. UNITED STATES

25-7457 WILLIAMS, MARIO M. V. UNITED STATES

25-7458 ESPINDOLA, HUGO E. V. UNITED STATES

25-7464 GUNN, RODERICK V. UNITED STATES

25-7469 BROWN, LEVAR V. SANTORO, WARDEN

The petitions for writs of certiorari are denied.

25-538 LOS ANGELES, CA, ET AL. V. ESTATE OF HERNANDEZ, ET AL.

The petition for a writ of certiorari is denied. Justice Thomas and Justice Alito would grant the petition for a writ of certiorari.

25-1309 CARR, DAVID V. PNC BANK, NAT. ASSN.

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

25-7228 COLON, JOSE M. V. TRUMP, PRESIDENT OF U.S., ET AL.

The petition for a writ of certiorari before judgment is denied.

25-7232 FREITAS, JOHN B. V. COMMUNITY FUND LLC

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.

25-7446 JOYNER, LEROY T. V. UNITED STATES

The petition for a writ of certiorari before judgment is denied.

25-7460 GORDON, MICHAEL L. V. OHIO

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). Justice Jackson, dissenting: I respectfully dissent from the order barring this incarcerated petitioner from filing future *in forma pauperis* petitions in noncriminal matters. See *Howell* v. *Circuit Court of Indiana*, 607 U. S. ___ (2026) (Jackson, J., dissenting).

HABEAS CORPUS DENIED

25-7502 IN RE GURJOT S. DHALIWAL

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

25-1217 IN RE JUSTIN P. DREILING

25-7288 IN RE MICHAEL ROCKS-MACQUEEN

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

25-683 ROSHAN, PEYMAN V. McCAULEY, DOUGLAS R.

25-784 CUNNINGHAM, KIYA V. WELLS FARGO BANK, N.A., ET AL.

25-898 MUHR, WILLIAM V. LEE, KRISTIN

25-915 MURPHY, ROBERT J. V. SUPREME COURT OF PA, ET AL.

25-994 HENNAGER, BEVERLY V. DEARDON, MARY E.

25-5910 ROMERO, GUADALUPE V. AZ DEPT. OF CHILD SAFETY

The petitions for rehearing are denied.

Per Curiam

SUPREME COURT OF THE UNITED STATES

KEVIN MCCARTHY, SUPERINTENDENT,
ELMIRA CORRECTIONAL FACILITY *v.*
PEDRO HERNANDEZ

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

No. 25–748. Decided June 22, 2026

PER CURIAM.

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) imposes strict limits on federal courts' power to grant habeas relief to a prisoner convicted in state court. District courts and courts of appeals have sometimes chafed under these restraints, and when they have strayed too far from the modest role that AEDPA prescribes, we have summarily reversed their decisions. See, *e.g.*, *Klein* v. *Martin*, 607 U. S. 213 (2026) (*per curiam*). We must do the same today.

The Second Circuit ordered habeas relief in this case based on its holding that a state-court decision was "contrary to" and "involved an unreasonable application" of *Missouri* v. *Seibert*, 542 U. S. 600 (2004), because the decision approved a trial judge's refusal to tell a jury how to apply *Seibert*—or, more precisely, how to apply what the Second Circuit understood to be the holding in that case. 28 U. S. C. §2254(d)(1). But *Seibert* said nothing about jury instructions. For this reason and others, the Second Circuit exceeded the role that AEDPA prescribes.

I

A

This case concerns a tragic event that once captured the Nation's attention. On May 25, 1979, 6-year-old Etan Patz left his family's apartment in lower Manhattan to take a bus to school. Before boarding the bus, he stopped to buy a

drink at a bodega where respondent Pedro Hernandez, then 18 years old, was working. Patz never got on the bus and was never seen alive again. Despite a vigorous search, law enforcement could not locate him or find evidence of his fate. For the next 20 years, authorities investigated several suspects, but they were never prosecuted, and the case went cold.

It was revived in 2012, when Hernandez's brother-in-law reported that Hernandez had made statements about his involvement in Patz's disappearance and suspected murder. At that time, Hernandez was living in southern New Jersey, and detectives took him to the Camden County (New Jersey) Prosecutor's Office (CCPO). They began questioning him there without first administering a *Miranda* warning, see *Miranda* v. *Arizona*, 384 U. S. 436 (1966), and Hernandez, a man with a low IQ and a history of mental illness, eventually confessed to strangling Patz and dumping his body in an alley behind the bodega.

The detectives then read Hernandez his *Miranda* rights. He waived them and made a second, videotaped confession. While still at the CCPO, Hernandez also confessed to his wife, Rosemary, and his daughter, Becky.

Detectives drove Hernandez to the New York County District Attorney's Office, where he received another *Miranda* warning, waived his rights, and gave a second videotaped confession, this time to an assistant district attorney.

Hernandez continued for years to confess to Patz's murder. While in pretrial custody, for example, he confessed to a psychiatrist. He also told this psychiatrist that he had confessed to the crime in 1979 at a prayer meeting and in the 1980s to his ex-wife. And he confessed the crime repeatedly to a second psychiatrist while awaiting trial.

B

New York charged Hernandez with intentional murder, kidnapping, and felony murder. The first trial ended in a

hung jury, and a second trial began in 2016. Hernandez moved to suppress his statements to the detectives and the assistant district attorney, but the trial court denied the motion. It ruled that Hernandez was not in custody at the CCPO before he received his *Miranda* warning and that he had knowingly and voluntarily waived his *Miranda* rights at the CCPO and the district attorney's office before he made his later videotaped confessions.

Under New York law, however, the trial court's decision not to suppress those confessions did not prevent the defense from asking the jury to disregard them. New York law requires a trial court to instruct a jury to disregard a pretrial statement if the jury finds it to have been "involuntarily made." N. Y. Crim. Proc. Law Ann. §710.70(3) (West 2026). And a statement is "involuntarily made" within the meaning of this provision if it was obtained in violation of the defendant's state or federal constitutional rights, §60.45(2)(b)(ii), or the right established in *Miranda*, see *People* v. *Graham*, 55 N. Y. 2d 144, 149–150, 432 N. E. 2d 790, 793 (Ct. App. 1982). The trial court accordingly instructed the jury on voluntariness, custodial interrogation, *Miranda* warnings, and *Miranda* waiver. App. to Pet. for Cert. 73a–78a, n. 2 (App.).

But New York law does not require a trial court to instruct a jury on whether an initial involuntary confession taints later confessions and thus imposes an obligation to disregard them. See *People* v. *Smith*, 209 App. Div. 2d 1005, 1006, 619 N. Y. S. 2d 990, 991 (1994); *People* v. *Rabady*, 28 App. Div. 3d 794, 795, 812 N. Y. S. 2d 884, 884–885 (2006); *People* v. *Martinez*, 63 App. Div. 3d 859, 860, 880 N. Y. S. 2d 492, 493 (2009); *People* v. *Medina*, 146 App. Div. 2d 344, 350–351, 541 N. Y. S. 2d 355, 358–359 (1989). The trial court therefore did not instruct the jury to decide whether Hernandez's post-warning confessions were sufficiently attenuated from his first, pre-warning confession. App. 192a (noting that the court did not instruct the

jury "how to consider Hernandez's post-*Miranda* confessions depending on what the jury determined with respect to the pre-*Miranda* confession" given at the CCPO).

Nonetheless, after the jury retired to decide on a verdict, it sent the trial court a note seeking guidance on attenuation:

> "We the jury request that the Judge explain to us whether if we find that the confession at CCPO before the *Miranda* rights was not voluntary, we must disregard the two later videotaped confessions at CCPO and the DA's office, the confessions to Rosemary and Becky Hernandez, and the confessions to the various doctors." *Id.*, at 281a.

The parties disagreed on the correct response. The State argued that the answer should be "no," while the defense maintained that the correct answer was "yes." The trial judge agreed with the State and succinctly advised the jury that the answer to its question was "no." *Id.*, at 307a.

In an exchange with counsel outside the presence of the jury, the trial court explained that although New York law requires a jury to disregard confessions that it finds were "involuntarily made" in the sense noted above, state law does not empower a jury to assess whether a later confession is fatally tainted by an earlier, "involuntary" confession. So the trial court did not think it proper to "instruc[t]" the jury "on attenuation" when it was "not their function" to consider that issue. *Id.*, at 301a–302a.

The jury found Hernandez guilty of kidnapping and felony murder, and the trial court sentenced him to imprisonment for 25-years-to-life.

New York's intermediate appellate court (the Appellate Division, First Department) affirmed. *People* v. *Hernandez*, 181 App. Div. 3d 530, 122 N. Y. S. 3d 11 (2020). It agreed with the trial court that Hernandez had not been in custody before he received the first *Miranda* warning and that after

receiving the warnings he had knowingly and voluntarily waived his *Miranda* rights. The appellate court also ruled that the trial judge had responded to the jury note in accord with state law. *Hernandez*, 181 App. Div. 3d, at 532–533, 122 N. Y. S. 3d, at 14–15 (holding that the response was "correct" and "meaningful . . . on the subject of the voluntariness of confessions"). And it concluded that the verdict would have been the same even if the trial judge had instructed the jury on attenuation.

The New York Court of Appeals denied leave to appeal, *People* v. *Hernandez*, 35 N. Y. 3d 1066, 152 N. E. 3d 1178 (2020) (Table), and we denied certiorari, *Hernandez* v. *New York*, 592 U. S. 1319 (2021).

C

Hernandez filed an application for a writ of habeas corpus in Federal District Court. He argued that the Appellate Division had violated clearly established federal law in rejecting his *Miranda* arguments and in its ruling on the trial court's response to the jury note. That response, Hernandez maintained, itself violated clearly established federal law by failing to explain to the jury the rule that Justice Kennedy adopted in his opinion concurring in the judgment in *Missouri* v. *Seibert*, 542 U. S. 600.

Seibert addressed the constitutionality of an interrogation tactic under which police question a suspect in custody without providing a *Miranda* warning and then, after eliciting a confession, provide a *Miranda* warning and ask the suspect to repeat the confession. The Court ruled that the use of this tactic in that case violated federal law. Writing for a four-Justice plurality, Justice Souter opined that the use of the tactic had undermined the protection that *Miranda* was designed to provide and that the confession given after the tardy *Miranda* warning was therefore inadmissible. Justice Kennedy concurred in the judgment, arguing that a post-warning confession obtained through a

"deliberate" two-step strategy "predicated upon violating *Miranda*" is inadmissible unless law enforcement takes "specific, curative steps" to attenuate it from the pre-warning confession. 542 U. S., at 621.

The District Court referred Hernandez's application to a Magistrate Judge, who issued a 130-page report recommending denial. The District Court adopted the report in full and denied Hernandez's habeas application. The District Court saw no ground under AEDPA for granting relief based on Hernandez's *Miranda* arguments. Yet the District Court was troubled by the trial judge's response to the jury note. The District Court acknowledged that the response was "technically correct." App. 80a. It also acknowledged that "[n]othing in *Seibert* discusses how trial courts should respond to jury notes of any sort," *id.*, at 88a, because *Seibert* concerned a judge's resolution of a suppression motion, and "only a court can determine admissibility," App. 92a. All the same, the District Court ruled that *Seibert* was "relevant" to juries, not only to judges, and that *Seibert* "required" the trial court to "t[ell the jury] about attenuation" in order to "protect [Hernandez's] constitutional rights." App. 89a, 92a. Still, the District Court, like the Appellate Division, concluded that the trial court's failure to explain attenuation to the jury was harmless.

The District Court granted a certificate of appealability on the issue of the trial court's response to the note, and a panel of the Second Circuit reversed based on *Seibert*. *Hernandez* v. *McIntosh*, 146 F. 4th 142 (2025). The panel stated that Justice Kennedy's opinion in *Seibert* set out a binding rule of federal law and that the trial court needed to explain the rule and its consequences in its response to the jury's note. Unlike the state courts, the Magistrate Judge, and the District Court, the panel found the trial court's "no" answer to be "manifestly inaccurate." 146 F. 4th, at 159. In the panel's view, that error warranted habeas relief under 28 U. S. C. §2254(d)(1) because the

response was contrary to and involved an unreasonable application of *Seibert*. 146 F. 4th, at 159–160. That was so, according to the panel, because the "rule laid out in *Seibert* is relevant not only to a court making admissibility determinations" under the Constitution but also to juries deciding voluntariness under New York's code of criminal procedure. *Id.*, at 158. The "thrust" of *Seibert*, the panel said, "is the same" in either context. 146 F. 4th, at 158. And the trial court's misapplication of *Seibert* was "so erroneous," the panel reasoned, "as to deny Hernandez due process." 146 F. 4th, at 157. The panel then ruled that no fair-minded jurist could conclude that the error was harmless.

The panel stressed that its holding was based on the premise that the trial court had "misstate[d] or misappli[ed] . . . *federal constitutional law* in [the] jury instruction," not on the premise that the trial court had "misstated state law." *Id.*, at 160, n. 9. Indeed, the panel acknowledged "[a]t the outset" that AEDPA does not empower federal courts to "'reexamine state-court determinations on state-law questions.'" *Id.*, at 157 (quoting *Estelle* v. *McGuire*, 502 U. S. 62, 67–68 (1991)).

The panel remanded with instructions to grant the application and to order Hernandez's release unless the State gave him a new trial.

II

A

As relevant here, a federal court may grant habeas relief on a claim that a state court has resolved on the merits only if that decision was "contrary to, or involved an unreasonable application of, clearly established Federal law." §2254(d)(1). Only the holdings of this Court clearly establish federal law. *White* v. *Woodall*, 572 U. S. 415, 419 (2014). "[S]tate-court determinations on state-law questions" are "no part of a federal court's habeas review of a state conviction." *Estelle*, 502 U. S., at 67–68. AEDPA

instead allows a federal court to correct only "'extreme malfunctions'" in the resolution of federal issues by the criminal justice systems of the sovereign States. *Harrington* v. *Richter*, 562 U. S. 86, 102 (2011). A decision is "contrary to" our holdings if it applies a rule that "'contradicts'" them. *Lafler* v. *Cooper*, 566 U. S. 156, 173 (2012). And a decision "unreasonabl[y] appli[es]" our holdings when the state court "blunder[s] so badly" that no fair-minded jurist could agree with it. *Mays* v. *Hines*, 592 U. S. 385, 392 (2021) (*per curiam*).

B

The Appellate Division's decision neither contravened nor unreasonably applied any holding of this Court.

First, Hernandez had no federal right to have the jury evaluate the lawfulness of his confessions after the trial court admitted them. Unlike New York law, the Federal Constitution does not "require that both judge and jury pass upon the admissibility" or voluntariness "of evidence when constitutional grounds are asserted for excluding it." *Lego* v. *Twomey*, 404 U. S. 477, 490 (1972). So no federal law, much less any clearly established federal law, required the trial court to instruct the jury on the grounds for suppression set out in *Miranda* or *Seibert*.

Second, the rule embraced by Justice Kennedy in *Seibert* does not disturb that proposition. Although we have never held that Justice Kennedy's opinion sets out the holding that courts must follow under *Marks* v. *United States*, 430 U. S. 188 (1977), we may assume without deciding—in line with the Second Circuit's precedent, which the parties do not contest—that it does. See *United States* v. *Capers*, 627 F. 3d 470, 476 (CA2 2010).* Even if Justice Kennedy's

*Most Courts of Appeals agree with the Second Circuit on this score. But the Sixth Circuit holds that the *Seibert* plurality, not Justice Kennedy's concurrence, supplies the controlling rule. *United States* v.

opinion clearly established a rule of federal law cognizable under §2254(d), that opinion established nothing about a jury's determination of a confession's legality. *Seibert* concerned a trial court's ruling on a suppression motion, not a jury's assessment of attenuation. 542 U. S., at 604, 606 (opinion of Souter, J.). We have never applied *Seibert* in any other procedural context. See *Bobby* v. *Dixon*, 565 U. S. 23, 26, 29–32 (2011) (*per curiam*). And neither the courts below nor the parties have identified any decision of this Court holding that *Seibert* affects a jury's consideration of a confession that a court has admitted.

Third, our case law does not support the Second Circuit's conclusion that the trial judge's response to the jury's note violated Hernandez's right to due process. See *Estelle*, 502 U. S., at 71–73; *Cupp* v. *Naughten*, 414 U. S. 141, 147 (1973). We have never held that the Due Process Clause, or any other provision of the Federal Constitution, requires a trial court to explain to a jury an issue that the jury is not required to decide.

Hernandez correctly declines to argue that *Seibert* required the trial court to instruct the jury on attenuation in its initial charge. App. 93a ("Hernandez does not argue that *Seibert* compelled the trial court to instruct the jury on attenuation in its initial charge"). As Hernandez concedes, *Seibert* did not require the trial court to instruct the jury on attenuation in its response to the jury note either. Brief in Opposition 22. That conclusion does not change merely because the jury "focused on this question" or because the legality of the confessions was "an issue central to the trial." *Hernandez*, 146 F. 4th, at 157, 162. Those contingent features of Hernandez's prosecution could not, as the panel seemed to think, turn *Seibert*'s discussion of circumstances in which a judge should suppress a confession into clearly

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Woolridge, 64 F. 4th 757, 762 (2023). We need take no side in that dispute today.

established federal law about an issue that juries must "fully consider." 146 F. 4th, at 161, n. 9.

Hernandez counters that it is New York law, not federal law, that "vest[s] juries with th[e] responsibility" to assess attenuation, and that *Seibert* "must control the jury's consideration" of the issue for that reason. Brief in Opposition 22. Yet the trial court ruled that New York law does not vest juries with the responsibility to assess attenuation, App. 301a–302a, the Appellate Division held that the trial court's response was "correct" under and otherwise compliant with New York law, *Hernandez*, 181 App. Div. 3d, at 532–533, 122 N. Y. S. 3d, at 14–15, and a federal habeas court may not second-guess state-court interpretations of state law, *Estelle*, 502 U. S., at 67–68. In any event, Hernandez admits that a defendant "is not entitled to a free-standing jury instruction on attenuation" under New York law, Brief in Opposition 22, and neither he nor the Second Circuit has explained how a federal court could nonetheless grant habeas relief on the premise that due process turns attenuation into a jury issue simply because the jury asks about it.

The Second Circuit exceeded its authority in holding that Hernandez is entitled to relief under §2254(d). The panel's opinion appears to reflect serious doubt about the reliability of Hernandez's confessions, but AEDPA does not allow a federal habeas court to disturb a state-court conviction based on such an evaluation of the evidence.

* * *

No clearly established federal law required the trial court to instruct the jury about the rule that Justice Kennedy adopted in *Seibert*. Because the panel erred in holding otherwise, we grant the State's petition for a writ of certiorari, reverse the judgment of the Second Circuit, and remand the case for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE SOTOMAYOR, JUSTICE KAGAN, and JUSTICE JACKSON would deny the petition for a writ of certiorari.

SUPREME COURT OF THE UNITED STATES

ASHLEY GRAYSON *v.* UNITED STATES

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

No. 25–851. Decided June 22, 2026

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 Sixth Circuit for further consideration in light of the position asserted by the Solicitor General in his brief for the United States filed on May 12, 2026.

JUSTICE ALITO, dissenting.

Petitioner challenges the admission of a FaceTime recording that shows her offering to pay for murder. The Sixth Circuit held that 18 U. S. C. §2515 did not require suppression of the recording because that provision has a freestanding clean-hands exception. The United States now concedes that the Sixth Circuit erred in applying a clean-hands exception. Nonetheless, the Government argues that any error was harmless. I agree. Even setting aside the FaceTime recording, a mountain of properly admitted evidence proved petitioner's guilt. Most prominently, the evidence included a recording of a separate call petitioner made to the Federal Bureau of Investigation, in which she described the contents of the challenged FaceTime call in detail and acknowledged that she had offered to pay for murder. Because the FaceTime recording was cumulative of other overwhelming evidence of guilt, I would deny the petition.

SUPREME COURT OF THE UNITED STATES

UNITED STATES *v.* DONTE J. CARTER

ON PETITION FOR WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

No. 25–885. Decided June 22, 2026

The petition for a writ of certiorari is denied.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting from the denial of certiorari.

On a September afternoon in 2020, several plain-clothes police officers approached a group of black men who were lounging on a sidewalk. The officers were responding to an "'uptick in shootings and sounds of gunfire'" in that area. 341 A. 3d 1067, 1069 (DC 2025). Respondent Donte Carter was among the group.

An officer approached Carter and asked him if he was carrying a weapon. When Carter said "no," the officer asked, "[d]o you mind hiking your pants for me real quick?" App. to Pet. for Cert. 34a. As Carter complied, another officer standing a few feet away saw an L-shaped bulge in the front of Carter's pants. The officer pointed out the bulge, which Carter said was his phone. That officer nonetheless frisked Carter, and, after a brief struggle, the officers recovered a stolen firearm hidden among Carter's multiple pairs of compression shorts.

Carter was charged with firearm and theft offenses. He moved to suppress the gun and a statement that he had made after his arrest. He argued that the officer seized him in asking him to hike his pants and that the officer lacked reasonable suspicion or probable cause at that time. The D. C. Superior Court denied the motion.

The D. C. Court of Appeals (DCCA) reversed. After concluding that the officers' conduct did not enable the court to "objectively determine" whether Carter was seized, the

court—relying on its precedent—said that it "must look" to a further fact: the "defendant's race." 341 A. 3d, at 1076 (citing *Dozier* v. *United States*, 220 A. 3d 933, 944 (DC 2019)). The proper inquiry, the court stated, was "whether an objective and reasonable person sharing the defendant's generalized lived experiences arising out of their racial status"—that is, "sharing Mr. Carter's racial status as a Black man"—"would have felt free to terminate the police encounter." 341 A. 3d, at 1076. The court then discussed scholarship that in the court's view suggests that "Black men are more likely to comply with police demands rather than exercise their constitutional right to terminate a suspicionless police encounter." *Id.*, at 1078. And, the court said, the officer's request that Carter hike his pants was a seizure due to the "elevated effect" that the request "would have had on an objective and reasonable Black man in Mr. Carter's shoes." *Id.*, at 1080.

Judge McLeese concurred in the judgment. He remarked that the panel majority had appeared to give "dispositive weight" to Carter's race. *Id.*, at 1081. He also expressed "uncertainty as to whether the race of a suspect can permissibly be considered" in assessing whether a seizure occurred. *Ibid.*

The Government asks us to grant review. It argues that the decision below is inconsistent with established precedent on the question whether a person who is approached and asked questions by a police officer has been "seized" under the Fourth Amendment. Our precedent, the Government maintains, asks whether a "'reasonable person'" would feel that he or she is not free to end the conversation. *United States* v. *Drayton*, 536 U. S. 194, 201–202 (2002). In the Government's view, the injection of an individual's race into the "reasonable person" test contravenes our decisions. The Government also questions the reliability of the studies on which the DCCA relied, and it argues that the DCCA's

test will hamper legitimate and important police work in the District of Columbia.

I would grant the petition. The DCCA appears to be committed to the test that it used in this case, and the lawfulness of that test is an important question for both doctrinal and practical reasons. Under the test, officers will need to quickly assess a person's race, and if officers and courts must craft special rules for black persons, what about dark-skinned Latinos, other Latinos, and members of other minority groups?

We have said that our "'Constitution is color-blind.'" *Students for Fair Admission, Inc.* v. *President and Fellows of Harvard College*, 600 U. S. 181, 230 (2023). It "almost never" allows government actors to treat persons differently based on their race. *Louisiana* v. *Callais*, 608 U. S. ___, ___ (2026) (slip op., at 17). And we have rejected the proposition that the Constitution permits an individual to be treated differently based on a "perception that members of the same racial group—regardless of their age, education, economic status, or the community in which they live—think alike." *Shaw* v. *Reno*, 509 U. S. 630, 647 (1993). It is dangerous to allow an individual to be treated differently based on statistics, studies, or expert testimony that purports to show that members of the racial or ethnic group to which he belongs are more likely to act in a certain way than are members of other groups. Here, the special treatment helped the individual; in other situations it will not. See *Buck* v. *Davis*, 580 U. S. 100, 119 (2017).

Perhaps the DCCA's test has legitimate justifications. In any event, it is important, and it warrants this Court's review. I therefore respectfully dissent from the denial of certiorari.

SUPREME COURT OF THE UNITED STATES

VICTOR SALDAÑO *v.* TEXAS

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF TEXAS

No. 25–5749. Decided June 22, 2026

The petition for a writ of certiorari is denied.

JUSTICE SOTOMAYOR, with whom JUSTICE KAGAN and JUSTICE JACKSON join, dissenting from the denial of certiorari.

Under *Atkins* v. *Virginia*, 536 U. S. 304 (2002), the Eighth Amendment to the U. S. Constitution forbids the execution of intellectually disabled individuals. Here, every expert to have evaluated petitioner Victor Saldaño has concluded that he is intellectually disabled. As a result, both Saldaño and the State of Texas asked the Texas Court of Criminal Appeals (TCCA) to remand for a trial court to review the relevant evidence and decide whether Saldaño can be executed consistent with the Eighth Amendment. Yet the TCCA refused that modest step. I would have granted certiorari and summarily vacated that decision to ensure that Saldaño, the State, and the Texas courts have the opportunity to determine Saldaño's *Atkins* claim on the merits and assess whether executing him would, in fact, violate the Eighth Amendment.

In 1996, Saldaño was convicted of capital murder and sentenced to death. He initially sought postconviction relief in both state and federal courts, and a federal habeas court granted resentencing after finding that Saldaño's penalty phase had been tainted by testimony from the State's expert that Saldaño posed a risk of future dangerousness in part due to his race. Saldaño was resentenced to death in 2004 and filed an initial state habeas application in 2007 and a subsequent application in 2008, both of which were

denied. Saldaño did not raise a claim of intellectual disability under *Atkins* in any of these proceedings.

In 2021, after the State sought an execution date for Saldaño, Saldaño filed a motion arguing that he was incompetent to be executed under *Ford* v. *Wainwright*, 477 U. S. 399 (1986), because of his serious mental health issues, including schizophrenia. In support, Saldaño also submitted evidence that he had recently received a full-scale IQ score of 73 on the WAIS-IV IQ test, which is a widely used test for assessing intellectual disability. In response, the State had its own expert administer another WAIS-IV IQ test, which produced a full-scale IQ score of 74. Given these low scores (with standard-error ranges below 70), the parties agreed to pause the competency proceedings and address the possibility that, separate and apart from his competency to be executed, Saldaño may be intellectually disabled under *Atkins*.

After a thorough investigation, experts for both Saldaño and the State analyzed Saldaño's IQ scores and other evidence of intellectual disability, including declarations from over a dozen individuals who have known Saldaño throughout his life. Assessing this evidence, all three experts (two for Saldaño and one for the State) concluded that Saldaño meets the standard for intellectual disability established by *Atkins*. In addition to his IQ scores, which all three experts agreed reflected significantly subaverage intellectual functioning, the evidence showed severe deficits in adaptive functioning. For instance, from childhood, Saldaño was perceived as "'slow,'" and he had to repeat sixth grade. App. to Pet. for Cert. 97–98 (Pet. App.). He had difficulty bathing, feeding, and clothing himself. He once "'spent two days without food, a bathroom, or anything else'" inexplicably waiting outside his uncle's house even though other family members lived nearby. *Id.*, at 96. He was also twice struck by cars because he could not grasp his family's explanations of how to avoid cars in the street.

In 2024, with both the State's expert and his own experts concluding that he was intellectually disabled for purposes of the Eighth Amendment, Saldaño filed a second subsequent habeas application with the TCCA. Under Texas Code of Crim. Proc. Ann., Art. 11.071, §5(a) (Vernon 2015), a subsequent application is generally impermissible unless one of several exceptions applies. Saldaño argued that his subsequent application could go forward under an exception to that general rule, and that a trial court should hold a hearing and address the merits of his claim considering all the evidence he had compiled.

Specifically, Saldaño argued that, under §5(a)(3), he could establish by "clear and convincing evidence" that "no rational juror would have" imposed the death penalty, given that "no rational juror could" have done so consistent with the Eighth Amendment. *Ex parte Blue*, 230 S. W. 3d 151, 161–162 (Tex. Crim. App. 2007) (emphasis deleted). To proceed to a merits determination under §5(a)(3), the TCCA has previously held, an applicant need not prove the merits of an *Atkins* claim; he need only make a "threshold presentation of evidence that, if true," would support an *Atkins* claim by clear and convincing evidence. *Id.*, at 163. Notably, the State supported Saldaño's application, arguing that he satisfied §5(a)(3) and asking the TCCA to remand the case to the trial court for an evidentiary hearing and merits determination of Saldaño's *Atkins* claim.*

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*Saldaño also sought to proceed under §5(a)(1), which he argued independently provided a gateway to a merits determination. Relying on §5(a)(1), he contended that the "factual or legal basis for the claim" was unavailable when he filed his earlier habeas applications. That was because his *Atkins* claim, if filed before 2017, would have failed under Texas's framework for assessing intellectual disability, which this Court later held unconstitutional in *Moore* v. *Texas*, 581 U. S. 1 (2017) (*Moore I*). In several previous cases, the TCCA had held that *Moore I* had created a new, previously unavailable "legal basis" for an *Atkins* claim for purposes of §5(a)(1). See, *e.g.*, *Ex parte Segundo*, 663 S. W. 3d 705, 705–

The TCCA, however, held in a single paragraph that Saldaño did not satisfy §5(a)(3). See Pet. App. 4 (holding without further explanation that Saldaño did not "plea[d] 'sufficient specific facts that, if true,'" would prove his *Atkins* claim). Now in this Court, Saldaño and the State both argue that this holding was error given the significant evidence of Saldaño's intellectual disability and that the evidence "warrants litigation of his *Atkins* claim on the merits." Brief in Opposition 9.

This Court should grant the parties' mutual request to "vacate the TCCA's dismissal" and "remand" so that the Texas courts can resolve Saldaño's claim on the merits. *Id.*, at 10. To start, the TCCA's §5(a)(3) holding on whether the alleged facts, if true, clearly and convincingly establish intellectual disability under *Atkins* presents a federal question reviewable by this Court. See *Glossip* v. *Oklahoma*, 604 U. S. 226, 242–243 (2025). Further, assuming that all Saldaño's factual allegations are true, he has plainly made the "threshold" *Atkins* showing that Texas law requires. *Blue*, 230 S. W. 3d, at 163; see Pet. App. 4 (citing *Blue*). Every expert in the case agrees that Saldaño's IQ scores satisfy the criteria for intellectual disability, that his severe conceptual, social, and practical deficits show serious impairment of adaptive functioning, and that all these deficits have been present since his childhood. Those findings are consistent with this Court's precedents. See, *e.g.*, *Brumfield* v. *Cain*, 576 U. S. 305, 315 (2015) (describing an IQ score of 75 as "squarely in the range of potential intellectual disability"); *Moore* v. *Texas*, 586 U. S. 133, 134–135, 142 (2019) (*per curiam*) (holding that an applicant was intellectually disabled given IQ scores of 74 and 78 and significant evidence of adaptive deficits); cf. *Moore I*, 581 U. S., at 10,

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706 (2022); see also App. to Pet. for Cert. 105–107, and n. 6 (collecting cases). Although the State supported relief under §5(a)(1) below, too, the TCCA also denied Saldaño's application on this basis.

14–15 (requiring consideration of adaptive functioning for individual with IQ score of 74 and standard-error range of 69 to 79). Assuming the truth of this uncontradicted evidence, as is required at this stage, it is difficult to see any way in which Saldaño could have failed to make at least the threshold showing of intellectual disability that is sufficient to proceed to a merits determination.

The Court's refusal to allow that merits determination to proceed not only does a profound disservice to Saldaño, who now might be executed without any court ever determining whether he is, in fact, intellectually disabled. It also severely undermines the State's interest in ensuring the legitimacy of its criminal system. In that system, the prosecutor serves as "the representative . . . of a sovereignty . . . whose interest . . . in a criminal prosecution is not that it shall win a case, but that justice shall be done." *Berger* v. *United States*, 295 U. S. 78, 88 (1935). Much as the State has a "strong interest in enforcing its criminal judgments," *Hill* v. *McDonough*, 547 U. S. 573, 584 (2006), it has an equally strong interest in maintaining, and demonstrating, the integrity of those judgments. That is why this Court generally requires that "great weight" be afforded to prosecutorial confessions of error. *Young* v. *United States*, 315 U. S. 257, 258 (1942). It is also partially why, when the State does confess error, a reviewing court must explain why such a confession is inadequate to support relief. Cf. *Escobar* v. *Texas*, 598 U. S. ___ (2023). A court is not bound by the prosecutor's views, but such explanation is necessary to safeguard, among other things, the public perception of fairness in the courts.

Here, the State admirably sought to fulfill its responsibilities by ensuring that, if it is going to take Saldaño's life, that grave act will comport with the Constitution's guarantee against cruel and unusual punishment. The TCCA did not satisfy its reciprocal obligations. Because the Court's refusal to intervene both creates a significant risk that

Saldaño's fundamental rights will be violated in contravention of the Eighth Amendment and disserves the State's important interests in preventing that result, I respectfully dissent from the denial of certiorari.