(ORDER LIST: 609 U.S.)

MONDAY, JUNE 29, 2026

CERTIORARI -- SUMMARY DISPOSITIONS

24-6543 CHANEY, DEVIN V. UNITED STATES

25-6218 NYANDORO, KENLEONE J. V. UNITED STATES

25-6411 JOHNSON, GREGORY V. UNITED STATES

25-6465 SAWYER, LEDALE D. V. UNITED STATES

25-6710 CASTILLO-LOPEZ, JOSE R. V. UNITED STATES

25-6850 LONDON, DAVANTAE V. UNITED STATES

25-7112 HARRIS, RASHON J. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

25-79 AQUINO, TON TON V. UNITED STATES

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 Eleventh Circuit for further consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

25-372 HARRIS, ERIK M. V. UNITED STATES

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 Third Circuit for further

consideration in light of *United States* v. *Hemani*, 608 U. S. ___ (2026).

25-1027 SAN DIEGO FAMILY HOUS., ET AL. V. CHILDS, LENA, 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 Ninth Circuit for further consideration in light of *Chevron USA Inc.* v. *Plaquemines Parish*, 608 U. S. ___ (2026).

25-5609 McMILLAN, JACKIE K. V. UNITED STATES

25-6860 MYRICK, COREY V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

25-5696 MBE, ANATOLE V. UNITED STATES

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 United States Court of Appeals for the Ninth Circuit for further consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

25-5866 BECKFORD, DAVON A. V. UNITED STATES

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 United States Court of Appeals for the Third Circuit for further

consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

25-5986 RICHARDSON, TOVIS A. V. UNITED STATES

25-6555 SLADE, FREDRICK D. V. UNITED STATES

25-6731 BELL, KEITH L. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

25-6269 GRAHAM, LAIRON V. UNITED STATES

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 United States Court of Appeals for the Second Circuit for further consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

25-6385 MORRISON, JOHNATHAN V. UNITED STATES

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 United States Court of Appeals for the Eighth Circuit for further consideration in light of *Hunter* v. *United States*, 608 U. S. ___ (2026).

ORDERS IN PENDING CASES

25A1305 PARKS, LAVON, ET AL. V. UNITED STATES

The application for bail addressed to Justice Gorsuch and

referred to the Court is denied.

25A1317 ROSHAN, PEYMAN V. LAWRENCE, MELANIE, ET AL.

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

25A1319 ROSHAN, PEYMAN V. SUNQUIST, CHIKA, ET AL.

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

25M90 GRIFFIN, ALANDRIS D. V. PHILIPS, ANGELA M., ET AL.

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

25M91 MOHAMMAD, KHALID S., ET AL. V. UNITED STATES

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

161, ORIG. NEBRASKA V. COLORADO

The motion for leave to file a bill of complaint is granted. Defendant is allowed thirty days within which to file an answer to the bill of complaint.

25-962) REPUBLICAN NAT. COMM., ET AL. V. EAKIN, BETTE, ET AL.
)
25-967) PENNSYLVANIA V. EAKIN, BETTE, ET AL.

The motion of Professor Michael T. Morley, et al. for leave to file a brief as *amici curiae* is granted. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

25-7275 UDDIN, HIRA V. TEXANA BEHAVIORAL, ET AL.

25-7363 CHEN, WEN V. LYNDAM HILL II HOMEOWNERS ASSN.

25-7374 COLEMAN, STEVEN D. V. GRAND, MARIA K.

The motions of petitioners for leave to proceed *in forma*

pauperis are denied. Petitioners are allowed until July 20, 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

24-1016 RISEANDSHINE CORP. V. PEPSICO, INC.

25-159 HOFFMANN, LEONARD W., ET AL. V. WBI ENERGY TRANSMISSION, INC.

25-840 INTERNATIONAL PARTNERS, ET AL. V. FERGUSON, GOV. OF WA, ET AL.

25-842 WASSILY, TAMER S., ET AL. V. BLANCHE, ACTING ATT'Y GEN.

25-1017 REPUBLICAN NAT. COMM. V. MI FAMILIA VOTA, ET AL.

The petitions for writs of certiorari are granted.

25-1223 MONTOYA PALACIOS, KEVIN I. V. LIGGINS, VERNON, ET AL.

The motion of Eva Daley, et al. for leave to file a brief as *amici curiae* out of time is denied. The petition for a writ of certiorari is granted.

CERTIORARI DENIED

24-1130 SPAIN V. BLASKET INVESTMENTS LLC, ET AL.

25-119 HIGHLAND CAPITAL MANAGEMENT V. NEXPOINT ADVISORS, ET AL.

25-257 WELLS PHARMA OF HOUSTON, L.L.C. V. ZYLA LIFE SCIENCES, L.L.C.

25-362 GRIFFITHS, JAMES V. KEITH, RITA

25-573 TRUMP, PRESIDENT OF U.S. V. CARROLL, E. JEAN

25-744 DURAN, JOSE V. UNITED STATES

25-904) LA UNION V. PAXTON, ATT'Y GEN. OF TX, ET AL.
)
25-916) OCA - GREATER HOUSTON V. PAXTON, ATT'Y GEN. OF TX, ET AL.

25-927 LOWERY, RICHARD V. MILLS, LILLIAN, ET AL.

25-953 FINESSE WIRELESS LLC V. AT&T MOBILITY LLC, ET AL.

25-963 BRACCIA, CYNTHIA, ET AL. V. NORTHWELL HEALTH SYSTEMS

25-970 GHANEM, RAMI V. UNITED STATES

25-971 HUTTON, ROBERT W. V. UNITED STATES

25-986 MFN PARTNERS, LP, ET AL. V. NY TEAMSTERS FUND, ET AL.

25-989 CA SPORTFISHING ALLIANCE, ET AL. V. NICKELS, ADAM, ET AL.

25-1028 SMITH, PORTER V. MI DOC, ET AL.

25-1035 BUCKLEY, NATHANIEL J. V. DEPT. OF JUSTICE

25-1049 HYATT, GILBERT P. V. SQUIRES, JOHN A.

25-1050 OPERATING ENGINEERS, ET AL. V. UNITED STATES

25-1069 CAMAJA RUIZ, VICTOR E. V. BLANCHE, ACTING ATT'Y GEN.

25-1080 OSABAS-RIVERA, GUSTAVO A. V. BLANCHE, ACTING ATT'Y GEN.

25-1081 ZAPET-ALVARADO, WUENDY, ET AL. V. BLANCHE, ACTING ATT'Y GEN.

25-1082 SULLIVAN, JOSEPH V. UNITED STATES

25-1093 RUSSIAN FED'N V. STABIL LLC, ET AL.

25-1100 POWELL, THOMAS J., ET AL. V. SEC

25-1106 ETHRIDGE, JAMES V. SAMSUNG SDI CO., LTD.

25-1156 SAMSUNG SDI CO., LTD. V. PETERS, SHAWN

25-1200 BETHLEHEM MANOR VILLAGE, LLC V. DONCHEZ, MAYOR

25-1211 FAIR, JUSTIN J. V. LOUISIANA

25-1220 PREWITT, GEORGE D. V. McDANIEL, JAMES K.

25-1222 KAMA, NACHAIYA V. GREENRIDGE PLACE APARTMENTS

25-1228 LANCASTER, MAX V. CARTMELL, JEFFREY, ET AL.

25-1241 BENEDETTI, ARRON, ET AL. V. MARIN COUNTY, CA, ET AL.

25-1260 TRAHANT, RICHARD C. V. ROMAN CATHOLIC CHURCH, ET AL.

25-1266 HUTCHINSON, GEORGE B. V. UNITED STATES

25-1267 JOHN, EMMANUEL L. V. BD. OF COMMISSIONERS, ET AL.

25-1268 POLAR ELECTRO OY V. FIRSTBEAT TECHNOLOGIES OY

25-1272 HAHN, PHILIP E. V. NEW JERSEY, ET AL.

25-1275 ZHANG, HUIFANG, ET AL. V. UNITED STATES, ET AL.

25-1281 THOMPSON, RANDEY V. CENT. VALLEY SCH. DIST., ET AL.

25-1283 MILLER, JACQUELYN V. FARRIS, DYLAN, ET AL.

25-1302 STOVALL, MIRANDA V. JEFFERSON CTY. BD. ED., ET AL.

25-1305 SCHIANO, RALPH, ET UX. V. WELLS FARGO BANK, N.A.

25-1326 ORTIZ & ASSOC. CONSULTING, LLC V. VIZIO, INC.

25-5620 QUALLS, TERRY D. V. UNITED STATES

25-5746 WOODS, KEVIN D. V. IOWA

25-6008 SANCHEZ, ANDRE E. V. UNITED STATES

25-6142 MARTIN, JOHN E. T. V. UNITED STATES

25-6389 ITA, KINGSLEY V. UNITED STATES

25-6533 ASLANIAN, ARTHUR R. V. UNITED STATES

25-6627 BLAISE, GERALD V. UNITED STATES

25-6654 HANDLEY, KYLE S. V. PIERCE, WARDEN

25-6793 FLORES, ROMAN V. TEXAS

25-6801 PHILLIPS, EMIR J. V. BD. OF CURATORS, ET AL.

25-6802 PHILLIPS, EMIR J. V. BD. OF CURATORS, ET AL.

25-6873 MOORE, JULIUS J. V. ARIZONA

25-6875 WOMACK, DEONTE V. UNITED STATES

25-6898 BAKER, SEAN P. V. UNITED STATES

25-6945 COLEMAN, LOUIS D. V. UNITED STATES

25-7006 GEORGE, DONNAHUE V. GRIFFIN, KEN, ET AL.

25-7103 TAVARES, LUCAS V. UNITED STATES

25-7243 GIACCIO, HUONG G. V. DAVIS, RAY, ET AL.

25-7246 NGUYEN, DAI V. WILLIAMS, K., ET AL.

25-7249 VAN STUYVESANT, CURTIS V. NEW YORK

25-7250 JACKSON, DAMIAN V. DION, CHAIR, VA PAROLE, ET AL.

25-7253 MARSH, STEPHON C. V. VIRGINIA

25-7264 JONATHAN, LEVI V. FLORIDA

25-7266 YOUNG, KATIE V. USDC ND MS

25-7271 MURPHY, BENJAMIN M. V. IA DEPT. HEALTH, ET AL.

25-7273 LANG, JASON W. V. CLINTON, HILLARY R., ET AL.

25-7277 MARTIN, STACEY B. V. LAS VEGAS, NV, ET AL.

25-7278 JONES, SHASTA V. SOUTHLAND CASINO

25-7284 STRICKLIN, STACY V. RITTER, SUPT., EASTERN

25-7292 SPARRE, DAVID K. V. FLORIDA

25-7319 MOORE, EDWARD A. V. HANCOCK, WARDEN, ET AL.

25-7324) JENKINS, RONALD D., ET AL. V. UNITED STATES
)
25-7434) NEWSOME, MALIK T. V. UNITED STATES

25-7338 SITZEMA, SHEENA V. CIVIL SERV. COMM'N

25-7439 EARL, DION L. V. ARIZONA

25-7442 LOWERY, MARGARET J. V. OK, EX REL. OK BAR ASSN.

25-7452 CABALLERO, CHRISTOPHER V. UNITED STATES

25-7467 ZIESCHE, NANCY E. V. UNITED STATES

25-7470 JONES, NICHOLAS D. V. UNITED STATES

25-7475 DIAZ, JASON V. GUERRERO, DIR., TX DCJ

25-7476 MADRID-URIARTE, JORGE V. UNITED STATES

25-7479 GILES, ANTWON D. V. UNITED STATES

25-7481 CARTER, OSCAR V. UNITED STATES

25-7486 MALTESE, MARYANN V. MAMDANI, MAYOR, ET AL.

25-7488 TORRES, ANTHONY V. UNITED STATES

25-7489 RAGLAND, KIMARLO V. NC DIV. OF EMPLOY. SEC.

25-7490 MACHARDY, BRIAN M. V. ARIZONA

25-7496 MITCHELL, CHANTEL V. OFFICE DEPOT, INC.

25-7505 RICHARD, FRANK J. V. KARNES, AUDREY

The petitions for writs of certiorari are denied.

24-1248 UNITED STATES V. DANIELS, PATRICK D.

24-1249 UNITED STATES V. SAM, KINDLE T.

25-935 UNITED STATES V. MITCHELL, KEVIN L.

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

25-1077 MIOT, FRITZ E. L., ET AL. V. TRUMP, PRESIDENT OF U.S., ET AL.

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

25-7293 WU, REBECCA V. PUB. EMPLOY. RELATIONS, 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.

25-7471 JONES, JERRY J. 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.

25-7482 HOLLAND, DJAVON V. UNITED STATES

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

HABEAS CORPUS DENIED

25-7521 IN RE LENNIE D. MATHIS

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

REHEARINGS DENIED

25-473 DeBOSE, ANGELA W. V. USDC MD FL

25-980 DuHALL, MARK V. SAMUELS, MICHAEL, ET AL.

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

25-5400 BEARD, ANDREW C. V. UNITED STATES

25-6304 CLEMONS, JOHN H. V. GUERRERO, DIR., TX DCJ, ET AL.

25-6625 SERPIK, ROMAN V. V. WEEDON, FORMER JUDGE, ET AL.

25-6832 DONALD, STANLEY V. MICI, CAROL, ET AL.

25-6913 KLINE, ANNIE-GRACE V. LEIDOS, INC.

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-3163 IN THE MATTER OF DISBARMENT OF PHILLIP B. LEISER

Phillip B. Leiser, of Tysons Corner, Virginia, having been suspended from the practice of law in this Court by order of April 20, 2026; and a rule having been issued requiring him to show cause why he should not be disbarred; and a response having been filed;

It is ordered that Phillip B. Leiser is disbarred from the practice of law in this Court.

D-3166 IN THE MATTER OF DISCIPLINE OF CLYDE HOLLAND PERDUE, III

Clyde Holland Perdue, III, of Rocky Mount, Virginia, 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-3167 IN THE MATTER OF DISCIPLINE OF JOHN S. LOPATTO, III

John S. Lopatto, III, of Alexandria, Virginia, 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.

SUPREME COURT OF THE UNITED STATES

JOHN DOE, ET AL. *v.* KATHY HOCHUL, GOVERNOR OF NEW YORK, ET AL.

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

No. 24–1015. Decided June 29, 2026

The petition for a writ of certiorari is denied.

JUSTICE GORSUCH, with whom JUSTICE THOMAS and JUSTICE ALITO join, dissenting from the denial of certiorari.

Once again, this Court faces a case involving healthcare workers who "served on the front line of a pandemic" and were then "fired . . . for adhering to their . . . religious beliefs." *Doe* v. *Mills*, 595 U. S. 1029, 1035 (2021) (GORSUCH, J., dissenting from denial of application for injunctive relief); see also *Dr. A.* v. *Hochul*, 595 U. S. ___ (2021) (*Dr. A. I*) (GORSUCH, J., dissenting from denial of application for injunctive relief); *Dr. A.* v. *Hochul*, 597 U. S. ___ (2022) (*Dr. A. II*) (THOMAS, J., dissenting from denial of certiorari). Their case raises an important and recurring question of federal law that warrants this Court's attention.

I

The present "chapter in this grim story" involves a lawsuit under Title VII of the Civil Rights Act of 1964. See *Dr. A. I*, 595 U. S., at ___ (slip op., at 14). That statute makes it unlawful "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin." 78 Stat. 255, as amended, 42 U. S. C. §2000e–2(a)(1). And the law broadly defines "religion" to "includ[e] all aspects of religious observance and practice, as well as belief." §2000e(j).

Under Title VII, an employer may refuse to hire, discharge, or otherwise discriminate against an employee because of his religion only if the employer can "demonstrat[e] that he is unable to reasonably accommodate to an employee's . . . religious observance or practice without undue hardship on the conduct of the employer's business." *Ibid.* To qualify as "undue," the hardship must be "substantial in the overall context of [the] employer's business." *Groff* v. *DeJoy*, 600 U. S. 447, 468 (2023).

The plaintiffs before us include many New York State healthcare workers, but for simplicity's sake consider just John Doe 2's story. Doe is a Christian Scientist who worked for New York-Presbyterian Healthcare System, Inc. (NYP), for a decade. App. to Pet. for Cert. 90a (App.). Because he understands his faith to require him to abstain from vaccines, he has not received one at any time in his life. *Id.*, at 87a. For years, NYP respected Doe's sincere religious beliefs and afforded him an exception to its internal mandatory vaccination policy. *Id.*, at 90a.

Then came COVID–19. When vaccines became available in late 2020 and early 2021, Doe did not line up to receive one. Not only did accepting a vaccine conflict with his sincere religious beliefs generally, it also implicated Doe's more specific religious belief against benefiting from any abortion because the vaccines approved at that time "depended upon abortion-derived fetal cell lines in [their] production or testing." *Dr. A. I*, 595 U. S., at ___ (slip op., at 2); App. 80a–86a.

At first, none of this proved a problem. While New York State announced a statewide COVID–19 vaccination mandate for healthcare workers, the mandate included two exemptions—one for healthcare workers with medical reasons for declining vaccination, another for those with sincere religious objections. *Id.*, at 78a–79a. So Doe's longstanding vaccination exemption remained intact.

But all that changed when state government leadership changed. A new Governor decided to retain the *medical* exemption to the vaccine mandate. But the Governor did away with the *religious* exemption, soon declaring that people like Doe "[we]ren't listening to God and what God wants." Governor Hochul Attends Service at Christian Cultural Center (Sept. 26, 2021), https://perma.cc/BW3P-3S2U; see also *Dr. A. I*, 595 U. S., at ___–___ (slip op., at 3–5).

In light of the new state mandate, NYP insisted that Doe submit to vaccination, and when he declined, it fired him. App. 4a, 91a. In doing so, NYP rejected Doe's proposed accommodation of "weekly testing and 100% Mask compliance." Complaint in No. 1:21–CV–05067 (EDNY), ECF Doc. 1–11 (Exh. E).

Those decisions, and similar ones made by the other plaintiffs' employers, precipitated this lawsuit. Initially, while still employed, the plaintiffs sought a court order preventing their employers from firing them for adhering to their religious beliefs. App. 113a–116a. After they failed to win that relief and lost their jobs, the plaintiffs argued that their terminations violated Title VII. *Id.*, at 4a, 27a–30a, 52a.

Ultimately, the district court dismissed the plaintiffs' claims, and the Second Circuit affirmed. In doing so, the Court of Appeals did not assess the reasonableness of the plaintiffs' requested accommodations. In fact, the court took as given that the plaintiffs had "plausibly alleged a *prima facie* case of Title VII religious discrimination." *Id.*, at 10a. Still, the court held, the defendants had presented a successful "undue hardship" defense as a matter of law. *Ibid.* More specifically, the court reasoned that granting the plaintiffs' requested religious accommodations would have imposed an "undue hardship" on their employers because it "would have required the [employers] to violate the state [vaccine] regulation" and "subjected the [employers]

to financial penalties or a suspension or revocation of their operating licenses." *Id.*, at 11a.

Soon after it decided this case, the Second Circuit reiterated its understanding of Title VII's undue hardship defense, holding that "an accommodation that would require an employer to violate" a state law necessarily "imposes an undue hardship"—and does so even when the state law is "unconstitutional as applied" to the plaintiff. *Russo* v. *Patchogue-Medford School Dist.*, 129 F. 4th 182, 186, and n. 1 (2025) (*per curiam*).

II

I harbor serious doubts about the Second Circuit's rule. True, Title VII permits an employer to avoid liability for religious discrimination when accommodating an employee would cause it to suffer an "undue hardship." 42 U. S. C. §2000e(j). And, true, when NYP fired Doe, it faced a state mandate threatening it with liability for extending religious (but not medical) vaccine exemptions to its employees. But I fail to see how a state law (especially an unconstitutional state law) prohibiting an accommodation can always and automatically supply an employer with an "undue hardship" defense under federal law.

Start with this. The Civil Rights Act of 1964, of which Title VII is a part, instructs that its provisions should "be construed as invalidating any provision of State law" that "is inconsistent with any of the purposes of th[e] Act, or any provision thereof." §2000h–4. For good measure, Title VII explicitly "exempt[s and] relieve[s] any person from any liability, duty, penalty, or punishment provided by any . . . law of any State or political subdivision of a State . . . which purports to require or permit the doing of any act which would be an unlawful employment practice under" Title VII. §2000e–7. Far from suggesting absolute deference to state law, then, these provisions anticipate that federal civil rights laws will sometimes preempt state law—and, along

the way, relieve employers from any liability associated with state mandates.

Next, consider how federal courts proceed in similar circumstances. Many federal civil rights statutes require parties to make "reasonable accommodations" or "reasonable modifications" for individuals' protected traits. *E.g.*, §§12112(b)(5)(A), 12131(2), 12182(b)(2)(A)(ii) (Americans with Disabilities Act (ADA)); §3604(f)(3) (Fair Housing Act); *Alexander* v. *Choate*, 469 U. S. 287, 301–302, and n. 21 (1985) (Rehabilitation Act of 1973). Sometimes in cases under those provisions employers argue that a requested accommodation or modification is not a "reasonable" one because state law prohibits it. Routinely, however, federal courts (including the Second Circuit) reject those arguments, holding that state law cannot control what counts as a "reasonable accommodation" under federal law. Were the rule otherwise, these courts emphasize, state laws might effectively displace the federal guarantee. See *Mary Jo C.* v. *New York State and Local Retirement System*, 707 F. 3d 144, 161–164 (CA2 2013); *National Federation of the Blind* v. *Lamone*, 813 F. 3d 494, 508–509 (CA4 2016); cf. *T. B.* v. *San Diego Unified School Dist.*, 806 F. 3d 451, 468, n. 5 (CA9 2015). Indeed, as some courts have put it, state laws that foreclose accommodations may sometimes supply less of a "'*defense* to liability under federal law'" than "'a *source* of liability under federal law.'" *Barber* v. *Colorado Dept. of Revenue*, 562 F. 3d 1222, 1233 (CA10 2009) (quoting *Quinones* v. *Evanston*, 58 F. 3d 275, 277 (CA7 1995)). And if state law does not control what counts as a "reasonable accommodation" under federal civil rights statutes, it is unclear how state law might any more control what qualifies as an "undue hardship."

Finally, notice what the Eleventh Circuit has said in a similar ADA case, *Campbell* v. *Universal City Development Partners, Ltd.*, 72 F. 4th 1245 (2023). Much as Title VII permits an employer to deny a reasonable accommodation

to a religious employee when doing so would cause it to suffer an "undue hardship," Title III of the ADA allows a public accommodation to apply otherwise forbidden exclusionary eligibility criteria when they are "necessary for the provision of" the public accommodation's particular offerings. §12182(b)(2)(A)(i). In *Campbell*, the Eleventh Circuit faced a defendant who argued that its exclusionary criteria were "necessary" because a state law demanded them. *Id.*, at 1256. The case involved a child born with only one hand who was denied entry to an amusement-park ride. *Id.*, at 1248. In its defense, the park's operator explained that state-mandated safety standards required the child's exclusion and that the State would "subject [the park] to closure or criminal and civil penalties" for declining to enforce those rules. *Id.*, at 1256–1258. But just as state law cannot control what qualifies as a "reasonable accommodation" under federal law, the Eleventh Circuit reasoned, state law cannot control which exclusionary criteria are and are not "necessary" for purposes of federal law. *Id.*, at 1257–1259. Any different rule, the court concluded, would effectively allow a State to "nullify the ADA by enacting a state law requiring discrimination." *Id.*, at 1258. If there is some sound reason why state law should be allowed to define the contours of an "undue hardship" defense under one federal civil rights statute but not a similar "necessity" defense under another such statute, nobody has identified one.

For all these reasons, it seems to me that state law cannot control whether an employer faces an "undue hardship" for purposes of federal antidiscrimination laws, just like it cannot conclusively resolve what constitutes a "reasonable accommodation" or which criteria are "necessary" for admission to a public accommodation. To hold otherwise would appear to leave States free to strip individuals of the protections guaranteed by so many federal civil rights statutes—Title VII, the ADA, the Fair Housing Act, and the Rehabilitation Act—all by the simple expedient of proscribing

accommodations those statutes promise. Rather than federal civil rights laws standing supreme over contrary state law, they would more nearly bow before it.

III

To some, I appreciate, this case might appear of limited significance. After all, the pandemic is behind us, and New York did away with its COVID–19 vaccination mandate almost three years ago. App. 6a. But not only does this case remain of obvious importance to healthcare workers who courageously served on the front line during a pandemic only then to lose their jobs. The legal issue at the heart of this case is also an important and recurring one. Left uncorrected, the Second Circuit's rule promises to mean that civil rights protected by federal law will give way whenever a contrary state law—even an unconstitutional state law—is in play.

Notably, the federal government agrees that adopting a rule like that would be deeply mistaken. As the government puts it, "Title VII preempts state laws that are incompatible with it, and such laws therefore cannot support an undue-hardship defense." Brief for United States as *Amicus Curiae* 11. Even so, the federal government suggests this case is not worth our time because, "[t]hough the decision below is no model of clarity," it did not *really* say that an employer has a winning Title VII undue hardship defense whenever accommodating a plaintiff's religious obligations would require it to violate state law. *Id*., at 14. But that is *exactly* what the Second Circuit said. See App. 10a–11a (concluding that the employers faced an "undue hardship" for Title VII purposes because accommodating the plaintiffs "would have required the [employers] to violate the state [vaccine] regulation"). And any possible room for doubt about the Second Circuit's views on the matter is resolved by looking to what that court later said in *Russo*. Though the federal government does not cite *Russo*, let

alone grapple with it, the Second Circuit there doubled down on its mistaken view, concluding once again that accommodating a plaintiff's religious obligations "would have caused an undue hardship" to his employer for purposes of Title VII "because, if granted, the [employer] would have violated New York law." 129 F. 4th, at 186. Nor can the Second Circuit's rule be dismissed as some outlier, a mistake unlikely to be repeated elsewhere, given that various other circuits have adopted a similar approach. See *Bowlin* v. *Board of Directors, Judah Christian School*, 167 F. 4th 469, 477–478 (CA7 2026); *Lowe* v. *Mills*, 68 F. 4th 706, 720–725 (CA1 2023); *United States* v. *Board of Educ. for School Dist. of Philadelphia*, 911 F. 2d 882, 890–891 (CA3 1990); *Bhatia* v. *Chevron U. S. A., Inc.*, 734 F. 2d 1382, 1384 (CA9 1984).

Put simply, addressing this case is well worth our time—and correcting its error should have been an easy business. Just months ago, we summarily reversed a similar decision in which Louisiana courts had held that a state statute barred a plaintiff's federal claims. In a short *per curiam* without any noted dissent, we explained that "[d]efining the scope of liability under state law is the State's prerogative. But a State has no power to confer immunity from *federal* causes of action." *Doe* v. *Dynamic Physical Therapy, LLC*, 607 U. S. 11 (2025). It would have been the simplest thing to repeat that same message here. Or, if anyone really thinks the Second Circuit's rule sufficiently plausible to warrant it, we could have scheduled this case for argument. Given the Court's refusal to follow either of those courses today, I can only hope that lower courts will more carefully consider in future cases whether a defendant can successfully mount a Title VII undue hardship defense simply by pointing to a state-law mandate. I hope, too, that one day soon this Court will choose to settle the question so that other Americans seeking to vindicate their civil rights do not suffer the same fate as those now before us.

SUPREME COURT OF THE UNITED STATES

ALAN M. DERSHOWITZ *v.* CABLE NEWS NETWORK, INC.

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

No. 25–770. Decided June 29, 2026

The petition for a writ of certiorari is denied.

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

Alan Dershowitz sued respondent, a major news network, alleging that it defamed him. Because Dershowitz is a "public person," our precedents required him to prove not only the elements of common-law defamation, but also that the network acted with "actual malice." See *Gertz* v. *Robert Welch, Inc.*, 418 U. S. 323, 327–328, 342 (1974). Predictably, Dershowitz did not prevail under that exacting standard, which this Court created in *New York Times Co.* v. *Sullivan*, 376 U. S. 254 (1964). Dershowitz now asks this Court to overrule *Sullivan* and related precedents.

The "actual malice" standard for public figures "bears 'no relation to the text, history, or structure of the Constitution.'" *Berisha* v. *Lawson*, 594 U. S. ___, ___ (2021) (THOMAS, J., dissenting from denial of certiorari) (slip op., at 2) (quoting *Tah* v. *Global Witness Publishing, Inc.*, 991 F. 3d 231, 251 (CADC 2021) (Silberman, J., dissenting); emphasis deleted); see also *Gertz*, 418 U. S., at 370–371, 380–381 (White, J., dissenting); 153 F. 4th 1189, 1206 (CA11 2025) (case below) (Lagoa, J., concurring). Instead, the founding generation believed that, if anything, public figures had stronger claims for damages when they were defamed. See *McKee* v. *Cosby*, 586 U. S. 1172, 1177 (2019) (THOMAS, J., concurring in denial of certiorari). I and others have thus called for reconsideration of the actual-malice

standard for public figures. See, *e.g.*, *Berisha*, 594 U. S., at ___ (GORSUCH, J., dissenting from denial of certiorari) (slip op., at 8); *Tah*, 991 F. 3d, at 251 (opinion of Silberman, J.); *Gertz*, 418 U. S., at 370–371 (opinion of White, J.). I would have granted certiorari to do so in this case.

SUPREME COURT OF THE UNITED STATES

ANTONIO M. SMITH *v.* JOHN KIND, ET AL.

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

No. 25–943. Decided June 29, 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.

In late November in Green Bay, Wisconsin, two prison officials intentionally locked petitioner Antonio Smith in a freezing-cold prison cell, naked and without any way to keep warm for 23 hours. The Seventh Circuit held that the officers violated Smith's Eighth Amendment right to be free from cruel and unusual punishment but nevertheless granted them qualified immunity, reasoning that the Circuit "had never held it unconstitutional on closely analogous facts to house an inmate in a cell that ranged in temperature from 25 to 57 degrees over a 23-hour period without clothes or a way to keep warm." 140 F. 4th 359, 372 (2025). The Circuit's grant of qualified immunity is clearly wrong, and I would summarily reverse.

I

This case was resolved by the courts below on the officers' motion for summary judgment, so the facts must be viewed in the light most favorable to Smith as the nonmoving party. *City and County of San Francisco* v. *Sheehan*, 575 U. S. 600, 603 (2015). In October 2017, when Smith was an inmate at the Green Bay Correctional Institution in Wisconsin, he began a hunger strike to protest prison conditions. For the first 45 days of the hunger strike, Smith reported to the prison's health unit daily but declined to submit to a wellness check once there. Starting on day 46,

Smith declined to leave his cell at all and instead laid on his bed in a "'surrendering ritual.'" 140 F. 4th, at 363. As a result, on that day, and for the following three days, correctional officers restrained Smith and lifted him into a wheelchair to transport him to the health unit. *Ibid.*

On day 50, which was in late November, Smith again refused to leave his cell. This time, correctional officer Captain Jay Van Lanen told his team that the prior method of extracting Smith from his cell was "no longer suitable" and that he believed it necessary to change their approach by using pepper spray. *Ibid.* Van Lanen added that Security Director John Kind had authorized the use of pepper spray even though Smith has asthma and pepper spray can cause severe complications for those with asthma. When Van Lanen arrived at Smith's cell, he told Smith he would use the pepper spray to "gain compliance" if Smith did not stand and walk to the health unit and reminded Smith about his asthma. *Ibid.* Smith did not respond and laid down in his surrendering-ritual position. Van Lanen then deployed the pepper spray. Video evidence shows that "for eight minutes, Smith had difficulty breathing, seemed disoriented, and was drooling, coughing, spitting, and moaning." *Ibid.* "While Smith continued to gasp for air, Van Lanen ordered him to remove his clothes and comply with a strip search." *Ibid.* Smith obeyed. Van Lanen and four other officers then handcuffed Smith (who was still naked), covered his genitals with a towel, and walked him to the health unit, where Smith declined a shower and wellness check.

Afterwards, instead of returning Smith to his cell and permitting him to put his clothes back on, the officers placed Smith, still naked, in a "'control cell' used for disruptive inmates." *Id.*, at 364. A vent in the cell "blew air equivalent to the outside temperature, which, during his stay in the cell, ranged from 25 to 57 degrees Fahrenheit." *Ibid.* The cell itself had no mattress or bedding, and Van Lanen did not give Smith any clothing, even though his past

practice had been to provide a smock and other clothing regardless of whether the inmate had requested it.

When Smith was first placed in the cell around noon, Van Lanen told Smith that Smith could request a shower any time and that he would come back to discuss "'clothing and stuff,'" but he never returned. *Ibid*. Three and a half hours later, Smith requested clothing, bedding, and a mattress from Lieutenant Timothy Retzlaff and asked to be moved to a warmer cell given the cold. Retzlaff said he would check with Van Lanen. Twelve additional hours went by with no word from Van Lanen or Retzlaff. Then, around 3 o'clock in the morning, a different officer told Smith that if he submitted to future wellness checks, he could have a smock, but that otherwise, "he would remain naked and cold." *Ibid*. Smith declined. Another eight hours came and went without any word from Van Lanen or Retzlaff. Smith remained naked and frigid overnight as the temperature dropped below freezing to 25 degrees. After 23 hours, prison staff removed Smith from the cell. Smith later stated that he stayed on his feet for most of those 23 hours because it was too painful to sit, lie down, or sleep.

Smith sued Van Lanen and Retzlaff under 42 U. S. C. §1983, alleging three Eighth Amendment claims: first, that the use of pepper spray was excessive force; second, that the conditions of his confinement in the control cell constituted cruel and unusual punishment; and third, that the officers used excessive force while escorting him from his cell to the health unit. The only claim at issue in Smith's petition for a writ of certiorari is Smith's second claim regarding his confinement in the control cell.

II

A

To begin, the Court of Appeals for the Seventh Circuit correctly held that a reasonable jury could find that the officers violated Smith's Eighth Amendment right by

"den[ying] him a human need and [doing] so with deliberate indifference" when they placed him naked in a freezing cell for nearly 24 hours without any clothing, bedding, or other way to protect himself from the cold. 140 F. 4th, at 371. The Seventh Circuit explained that a reasonable jury could find that both officers acted with deliberate indifference to Smith's exposure to the extreme cold. *Ibid.* The evidence, construed in Smith's favor, showed that Van Lanen "placed Smith naked in a cold cell surely knowing that it was November 28 in Green Bay, Wisconsin when the temperature would (and did) drop below freezing," and "did so with full awareness of Smith's weakened state and pepper spray-induced asthma attack." *Ibid.* He also "chose not to follow his usual practice of making a smock and bedding available" and never "return[ed] to the cell that night to discuss clothing, even though he promised Smith he would." *Ibid.* As for Retzlaff, the Circuit held that the "analysis [was] even more straightforward" because "Smith asked Retzlaff to provide him with clothes and bedding or move him to a warner cell," and "Retzlaff did neither." *Id.*, at 371–372.

The Seventh Circuit's conclusion is reinforced by the fact that the officers did not assert in their briefs to the Seventh Circuit or to this Court any legitimate penological reason to subject Smith to such conditions. See Brief in Opposition 12–14; Brief for Defendants–Appellees in No. 22–2870 (CA7), ECF Doc. 15, pp. 33–38. Nor could they. The Court has long held that prison officials violate the Eighth Amendment when they are deliberately indifferent to the deprivation of a prisoner's basic needs, that is, when they "kno[w] of and disregar[d] an excessive risk to inmate health or safety." *Farmer* v. *Brennan*, 511 U. S. 825, 837 (1994). It logically follows that prison officials also violate the Eighth Amendment when they not only know of a deprivation of a prisoner's basic needs but intentionally deprive him of those needs to force him to comply with an unwanted

medical evaluation or procedure when the prisoner poses no threat to others.

B

Despite holding that a jury could find a violation of Smith's Eighth Amendment rights, the panel majority, over Judge Hamilton's dissent, nonetheless concluded that the officers were entitled to qualified immunity because the Seventh Circuit "had never held it unconstitutional on closely analogous facts to house an inmate in a cell that ranged in temperature from 25 to 57 degrees over a 23-hour period without clothes or a way to keep warm." 140 F. 4th, at 372; see *id*., at 378 (Hamilton, J., dissenting) (arguing that the case law "makes unequivocally clear that prisoners have a right to adequate heat"). The Circuit erred in granting the officers qualified immunity simply because no prior case had found an Eighth Amendment violation based on subjecting prisoners to the exact same combination of cold temperature and duration as occurred here.

Qualified immunity shields government officials from liability if their actions do not "'violate clearly established statutory or constitutional rights of which a reasonable person would have known.'" *Rivas-Villegas* v. *Cortesluna*, 595 U. S. 1, 5 (2021). "'[T]his Court's case law does not require a case directly on point for a right to be clearly established'"; instead, "'existing precedent must have placed the statutory or constitutional question beyond debate.'" *Ibid.*

It is "beyond debate" that the officers' actions here violated the Eighth Amendment. *Ibid.* It is well established that officers may not "deprive inmates of the minimal civilized measure of life's necessities," *Rhodes* v. *Chapman*, 452 U. S. 337, 347 (1981), or deny a prisoner an "identifiable human need such as food, warmth, or exercise" by, for example, subjecting him to "a low cell temperature at night" while "fail[ing] to issue blankets," *Wilson* v. *Seiter*, 501 U. S. 294, 304 (1991). Officers also may not inflict "'unnecessary

and wanton'" pain, which is pain that is "'totally without penological justification.'" *Rhodes*, 452 U. S., at 346.

As Judge Hamilton explained in dissent, the Seventh Circuit has itself held that intentionally subjecting prisoners to extreme cold conditions without any way to stay warm violates the Eighth Amendment. 140 F. 4th, at 377–378. In *Gillis* v. *Litscher*, 468 F. 3d 488 (CA7 2006), for example, the Circuit held that a reasonable jury could find that prison officials violated a prisoner's Eighth Amendment right when they deliberately left him naked in a cell blowing cool air for five days as part of an effort to "conform [his conduct] to the rules." *Id*., at 490; see *Del Raine* v. *Williford*, 32 F. 3d 1024, 1031 (CA7 1994) (officers deliberately strip-searched prisoner in cell for 15 to 30 minutes when windchill was 40 to 50 degrees below zero).[1] The Seventh Circuit has also held that, when cold conditions are the product of heating-system failures, officers violate the Eighth Amendment if they are aware of such conditions and fail to take corrective measures such as providing an alternative way to keep warm. See *Dixon* v. *Godinez*, 114 F. 3d 640, 642, 644–645 (1997) (40 degrees all winter and prisoner was given only long underwear, cap, gloves, jacket, two sheets, and blanket); *Lewis* v. *Lane*, 816 F. 2d 1165, 1166, 1171 (1987) (cell temperature allegedly around 53 degrees for two months); *Murphy* v. *Walker*, 51 F. 3d 714, 720–721 (1995) (*per curiam*) (confined in cell without clothes, blankets, or mattress in the middle of November for 1.5 weeks).

Based on the principles established by this Court and the like precedent in the Seventh Circuit, no reasonable officer could have concluded that intentionally placing Smith in the control cell completely naked with no clothing, bedding, or additional way of keeping warm for 23 hours in freezing

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[1] The Fifth Circuit has also found Eighth Amendment violations on similar facts. See, *e.g.*, *Palmer* v. *Johnson*, 193 F. 3d 346, 349, 353 (1999) (prisoners kept outside in temperature below 59 degrees for 17 hours without "shelter, jacket, blanket, or source of heat").

conditions was constitutionally permissible. The panel majority reached the opposite conclusion, however, by discounting that body of law on the ground that each case involved a temperature or a timeframe that did not perfectly match the "25 to 57 degrees over a 23-hour period without clothes" scenario here. 140 F. 4th, at 372. That was error.

This Court has emphasized that "'clearly established law' should not be defined 'at a high level of generality'" and that courts should look to prior cases involving "similar circumstances," *White* v. *Pauly*, 580 U. S. 73, 79 (2017) (*per curiam*), but this analysis does not permit discarding every case that presents any factual variation. On the contrary: The core of the inquiry has always centered on whether the "'"contours of the right [are] sufficiently clear that a reasonable official would understand that what he is doing violates that right."'" *Brosseau* v. *Haugen*, 543 U. S. 194, 199 (2004) (*per curiam*). A "body of relevant case law" may clearly establish those contours even if no single case, on its own, presents identical facts. *Ibid.*; see *District of Columbia* v. *Wesby*, 583 U. S. 48, 63 (2018) (law may be clearly established by either "'controlling authority' or 'a robust "consensus of persuasive authority"'"); cf. *Hope* v. *Pelzer*, 536 U. S. 730, 741 (2002) ("'[A] general constitutional rule already identified in the decisional law may apply with obvious clarity to the specific conduct in question, even though "the very action in question has not previously been held unlawful"'" (alteration omitted)).

From all this, the panel should have asked whether the existing precedent collectively established and put the officers on sufficient notice that their actions violated the Eighth Amendment. Here, even without a case matching the exact conditions that Smith faced down to the exact degree and minute, the body of case law on needless deprivations of warmth in prisons made it abundantly clear, and beyond debate, that the officers' treatment of Smith violated the Eighth Amendment.

*   *   *

Summary reversal is "'a rare disposition, usually reserved by this Court for situations in which the law is settled and stable, the facts are not in dispute, and the decision below is clearly in error.'" *Andrus* v. *Texas*, 596 U. S. ___, ___–___ (2022) (SOTOMAYOR, J., dissenting from denial of certiorari) (slip op., at 23–24). This Term, however, the Court has exercised its discretion to summarily reverse supposed errors that were far less clear than the one here. See, *e.g.*, *McCarthy* v. *Hernandez*, 607 U. S. ___ (2026) (*per curiam*); *Zorn* v. *Linton*, 607 U. S. ___ (2026) (*per curiam*); see also *Smith* v. *Scott*, 608 U. S. ___ (2026) (summarily vacating and remanding denial of qualified-immunity in light of *Zorn*). If those cases were clear enough for summary action, the Court here should have readily concluded, based on precedent and basic human decency, that it is beyond debate that it is cruel and unusual to lock someone intentionally in a freezing prison cell completely naked for 23 hours.

The Court's decision not to do so today exacerbates its asymmetrical trend of declining to intervene when courts wrongly afford officers the benefit of qualified immunity, but unflinchingly summarily reversing when it believes courts have wrongly denied officers the protection of qualified immunity. See, *e.g.*, *Zorn*, 607 U. S., at ___–___ (SOTOMAYOR, J., dissenting) (slip op., at 8–9); *Kisela* v. *Hughes*, 584 U. S. 100, 121 (2018) (SOTOMAYOR, J., dissenting). Reversing only denials of qualified immunity sends the regrettable message that, when choosing between shielding government officials from liability and vindicating individuals' constitutional rights, this Court will almost always choose the former. Because this decision emboldens government officials, like the correctional officers here, to act with impunity, I respectfully dissent from the Court's refusal to summarily reverse.