

(ORDER LIST: 599 U.S.)

MONDAY, JUNE 26, 2023

CERTIORARI -- SUMMARY DISPOSITIONS

21-1596 ARDOIN, LA SEC. OF STATE, ET AL. V. ROBINSON, PRESS, ET AL.
(21A814)

The writ of certiorari before judgment is dismissed as improvidently granted. The stay heretofore entered by the Court on June 28, 2022, is vacated. This will allow the matter to proceed before the Court of Appeals for the Fifth Circuit for review in the ordinary course and in advance of the 2024 congressional elections in Louisiana. See this Court's Rule 11.

22-425 CARNAHAN, ADM'R, GSA V. MALONEY, CAROLYN, ET AL.

The judgment is vacated, and the case is remanded to the United States Court of Appeals for the District of Columbia Circuit with instructions to dismiss the case. Justice Jackson dissents from the vacatur of the order of the United States Court of Appeals for the District of Columbia Circuit and would instead dismiss the writ of certiorari as improvidently granted.

22-683 GUILLEN-PEREZ, MELINA D. V. GARLAND, ATT'Y GEN.

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 Fifth Circuit for further consideration in light of *Santos-Zacaria v. Garland*, 598 U. S. ____ (2023).

22-856 GARCIA MARIN, RAUL V. GARLAND, ATT'Y GEN.

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 Seventh Circuit for further consideration in light of the position asserted by the Solicitor General in her brief for the United States filed on May 23, 2023.

ORDERS IN PENDING CASES

22M115 ATIYEH, DENNIS J. V. VARA, ANDREW R.
22M116 GAVILLAN MARTINEZ, VICTOR V. DIXON, SEC., FL DOC
22M117 LAMB, MICAH V. DIXON, SEC., FL DOC, ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

22-6966 IN RE ANTWOYN T. SPENCER
22-6996 SEARCY, CANDACE V. ORCHARD NAT. TITLE
22-7019 IN RE JAMES C. WINDING
22-7120 BRESSI, AARON J. V. PA PAROLE BD., ET AL.
22-7154 IN RE JAMES C. WINDING

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

22-7314 KULICK, R. J. V. MOYNIHAN, BRIAN T., ET AL.
22-7394 WEBB, MIKE V. DEPT. OF ARMY, ET AL.
22-7478 CRAWFORD, MARLA F. V. CORRIGAN, DAVID P., ET AL.
22-7645 O'BRIEN, BRYAN V. PRETI, FLAHERTY, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until July 17, 2023, 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

22-800 MOORE, CHARLES G., ET UX. V. UNITED STATES
22-888 RUDISILL, JAMES R. V. McDONOUGH, SEC. OF VA

The petitions for writs of certiorari are granted.

CERTIORARI DENIED

22-115 BUCKNER, TRUSTEE, ET AL. V. U.S. PIPE & FOUNDRY, ET AL.
22-121 ML GENIUS HOLDINGS LLC V. GOOGLE LLC, ET AL.
22-203 APPLE INC., ET AL. V. CALIFORNIA INST. OF TECHNOLOGY
22-238 CHARTER DAY SCHOOL, INC., ET AL. V. PELTIER, BONNIE, ET AL.
22-710 PIERON, JAMES D. V. UNITED STATES
22-735 ANDERSON, KORI, ET AL. V. CALDER, TRISTEN
22-737 TRUSKEY, BRIAN A. V. VILSACK, SEC. OF AGRIC.
22-840 K. M., ET AL. V. ADAMS, MAYOR, ET AL.
22-849 FOY, RICKIE V. UNITED STATES
22-896 OHIO STATE UNIVERSITY V. SNYDER-HILL, STEVE, ET AL.
22-897 OHIO STATE UNIVERSITY V. GONZALES, EDWARD, ET AL.
22-904 DOE 8, JANE, ET AL. V. CHIQUITA BRANDS INT'L, INC.
22-927 NIKE, INC. V. ADIDAS AG, ET AL.
22-933 HENDERSON, JEAN V. HARRIS COUNTY, TX, ET AL.
22-935 TRANSERVICE LOGISTICS, ET AL. V. CENTRAL STATES, ET AL.
22-1012 AUSTEN, JANET V. HERMAN, FRANKLIN
22-1017 MIKEL, SHEILA V. NICHOLS, JENNIFER, ET AL.
22-1021 WATFORD, JOHN J. V. ORMOND, WARDEN
22-1024 ADKINS, DORA L. V. WHOLE FOODS MARKET GROUP
22-1029 JORDAN, JACK V. USCA 10
22-1030 LEWIS, GARY V. UNITED AUTO INS. CO., ET AL.
22-1031 WESTFALL, CONSTANCE V. LUNA, JOSE, ET AL.
22-1032 VINKOV, SERGEI V. BROTHERHOOD MUTUAL INS. CO.

22-1034 LACKAWANNA RECYCLING CENTER, INC. V. BURRELL, WILLIAM L., ET AL.
22-1035 KASBEKAR, SHOMAN, ET AL. V. IVY STATION COMMUNITY, ET AL.
22-1039 IN RE GARY PFEFFER
22-1040 CARLSON, WILLIAM, ET AL. V. CRONIN, THOMAS, ET AL.
22-1049 PENG, BO V. F.M. TARBELL CO.
22-1060 MIZELL, HAYWOOD J. V. CITIZENS BANK, ET AL.
22-1063 STATE OF TENNESSEE V. BOOKER, TYSHON
22-1073 TEAM RESOURCES INC., ET AL. V. SEC
22-1075 HINKLE, JAMES E. V. NEAL, WARDEN
22-1080 STOCKTON, CA, ET AL. V. DUARTE, FRANCISCO
22-1085 GCIU-EMPLOYER RETIREMENT, ET AL. V. MNG ENTERPRISES, INC.
22-1109 ROUNDS, IRVING F. V. HEALEY, GOV. OF MA, ET AL.
22-1120 PARISI, PAULA V. ANDERSON, PETER C.
22-1124 NADAL, CHRISTIAN G. V. UNITED STATES
22-1142 AL-AMIN, JAMIL V. GEORGIA
22-1155 WILCOX, DOUGLAS E. V. MAINE
22-6580 CAMPBELL, DANIEL J. V. OHIO
22-6710 WEKESA, DAVID V. UNITED STATES ATTORNEY, ET AL.
22-6782 WILBERN, RICHARD L. V. UNITED STATES
22-6822 DUNLAP, TIMOTHY A. V. IDAHO
22-6823 CONDE-HERRERA, ABRAHAM V. UNITED STATES
22-6826 MARTIN-ANDRES, MARCOS J. V. UNITED STATES
22-6852 GABRION, MARVIN C. V. UNITED STATES
22-6853 SEEKINS, JOSHUA V. UNITED STATES
22-7065 KHATALLAH, AHMED A. V. UNITED STATES
22-7075 HICKS, DENNIS M. V. ALABAMA
22-7082 JORDAN, CRYSTAL G. V. ATLANTA PUBLIC SCHOOLS
22-7104 CONTEH, SANFA S. V. DEPT. OF COMMERCE

22-7197 BRANDON, BERNARD A. V. CONNECTICUT
22-7304 ROSA, GRICELY V. LAWRENCE HOUSING AUTH., ET AL.
22-7305 JOHNSON, STACEY, ET AL. V. PAYNE, DIR., AR DOC, ET AL.
22-7317 ROSA V. V. ALI H.
22-7323 GOSSAGE, HENRY E. V. OPM, ET AL.
22-7327 HOLMES, JOHN E. V. TEXAS
22-7340 GAINES, DAMORIUS D. V. EATON, GEOFFREY B., ET AL.
22-7341 PHILLIPS, DONNIE E. V. COWIE, ROBERT R., ET AL.
22-7343 OLIVER, WILLIAM L. V. TEXAS
22-7347 ELKINS, KIMBERLY S. V. MILLER, KATHY
22-7348 SUAREZ, JOEL V. BREWER, WARDEN
22-7355 MEYERS, DEMARR M. V. ILLINOIS
22-7356 MOOSE, MICHAEL V. LUMPKIN, DIR., TX DCJ
22-7357 COLLIER, IRINA V. PRESIDENT OF STANFORD, ET AL.
22-7360 MCCARTHY-STAPLES, HELENE V. BRICKHOUSE, M. BRADLEY, ET AL.
22-7364 ROSS, MATTHEW C. V. TEXAS
22-7365 RUSSOMANNO, GINA V. SUNOVION PHARMACEUTICALS, ET AL.
22-7369 MAYS, SYDNEY T. V. ILLINOIS
22-7375 KULICK, R. J. V. USBC CD CA, ET AL.
22-7376 PACHECO, DELILA V. EL HABTI, WARDEN
22-7383 LANDIS, CARLTON T. V. EBBERT, DAVID, ET AL.
22-7409 SCHULTE, JOSHUA A. V. UNITED STATES
22-7425 CONERLY, JAMES, ET AL. V. KAISER PERMANENTE, ET AL.
22-7427 BLANK, TRAVIS V. UNITED STATES, ET AL.
22-7453 FINLEY, STEPHEN G. V. KIJAKAZI, COMM'R, SOCIAL SEC.
22-7467 ELLIS, ERICA L. V. KIJAKAZI, COMM'R, SOCIAL SEC.
22-7472 PATEL, RAJ K. V. UNITED STATES
22-7476 D'ANTONIO, MICHAEL V. ALLENDALE, NJ, ET AL.

22-7490 PHILLIPS, WENDELL W. V. U.S. COURT OF FEDERAL CLAIMS
22-7502 GILBERT-BROWN, ANTHONY V. UNITED STATES
22-7512 KINDLEY, ERIC S. V. UNITED STATES
22-7525 BARONE, JOSEPH S. V. LAWYER'S FUND, ET AL.
22-7529 RIVERA, STORM N. V. NEW YORK
22-7570 ARRINGTON, GIDEON C. V. MINNESOTA
22-7581 BEITER, MICHAEL D. V. UNITED STATES
22-7598 JONES, LARRY D. V. DIXON, SEC., FL DOC, ET AL.
22-7602 SNYDER, JAMES F. V. IDAHO
22-7609 KING, AKIAZ M. V. UNITED STATES
22-7613 FAROOQ, KHAWAJA M. V. UNITED STATES
22-7616 MENDOZA, MILTON V. UNITED STATES
22-7617 BATTLE, DAVID A. V. UNITED STATES
22-7618 JACKSON, DENNIS D. V. UNITED STATES
22-7620 COOGLE, TIMOTHY S. V. UNITED STATES
22-7621 ELKINS, JERRY V. UNITED STATES
22-7626 CHECCHI, TYNAN A. V. UNITED STATES
22-7627 GRUSHKO, DENIS V. UNITED STATES
22-7628 GORHAM, ROBERT E. V. DIXON, SEC., FL DOC, ET AL.
22-7631 MCGEE, TERRELL V. UNITED STATES
22-7635 JACKSON, DEANDRE H. V. UNITED STATES
22-7637 BEITER, MICHAEL D. V. UNITED STATES
22-7646 PELKER, DEREK V. UNITED STATES
22-7649 WILLIAMS, RODERICK L. V. UNITED STATES
22-7655 BRADLEY, BENJAMIN E. V. UNITED STATES
22-7659 JOHNSON, DARRIEN D. V. UNITED STATES
22-7661 BEITER, MICHAEL D. V. UNITED STATES
22-7662 THREEFINGERS, ANTOINE R. V. UNITED STATES

22-7664 KIRST, FOREST M. V. UNITED STATES
22-7670 PORTER, LONNIE B. V. UNITED STATES
22-7673 WELLS, JAMES M. V. UNITED STATES
22-7680 HORTON, ADONNE A. V. WEST VIRGINIA

The petitions for writs of certiorari are denied.

21-1471 HALVORSON, DENISE, ET VIR V. HENNEPIN COUNTY, ET AL.

The motion of Goldwater Institute for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

22-1028 BRUNSON, LOY A. V. ADAMS, ALMA S., ET AL.

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

22-7372 THOMAS BEY, ALPHONZA L. P. V. USDC MD NC

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*).

22-7638 MENDEZ, JESUS V. UNITED STATES

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

HABEAS CORPUS DENIED

22-7667 IN RE RAJNI SHAW

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

22-7358 IN RE RONNIE D. THOMAS

22-7384 IN RE REIDIE J. JACKSON

22-7470 IN RE TONYA KNOWLES

22-7473 IN RE RAJ K. PATEL

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

22-819 WAKEFIELD, FRANZ V. BLACKBOARD, INC., ET AL.

22-6197 GUZMAN, ALBERT B. V. PFEIFFER, WARDEN

22-6644 GHOSE, SAYANTAN V. TEXAS

22-6727 BALDWIN, KENNETH V. DIXON, SEC., FL DOC

22-6763 WILLIAMSON, CECIL W. V. HEINRICY, WARDEN

22-6806 WALKER, TORREY D. V. NEAL, WARDEN

22-6928 DYJAK, LOGAN V. LYNN, JO-AN, ET AL.

The petitions for rehearing are denied.

THOMAS, J., dissenting

SUPREME COURT OF THE UNITED STATES

STANLEY WALESKI *v.* MONTGOMERY, MCCRACKEN,
WALKER & RHOADS, LLP, ET AL.

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

No. 22–914. Decided June 26, 2023

The petition for a writ of certiorari is denied.

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

In *Steel Co. v. Citizens for Better Environment*, 523 U. S. 83 (1998), this Court categorically repudiated “the doctrine of hypothetical jurisdiction,” by which several Courts of Appeals found “it proper to proceed immediately to [a] merits question, despite jurisdictional objections, at least where (1) the merits question is more readily resolved, and (2) the prevailing party on the merits would be the same as the prevailing party were jurisdiction denied.” *Id.*, at 93–94 (internal quotation marks omitted). As we explained, this approach “carries the courts beyond the bounds of authorized judicial action and thus offends fundamental principles of separation of powers.” *Id.*, at 94. Since *Steel Co.*, however, several Courts of Appeals have revived the concept of hypothetical jurisdiction for questions of so-called statutory jurisdiction. As the court below put it: “[W]here a question of statutory (non-Article III) jurisdiction is complex and the claim fails on other more obvious grounds, we may assume hypothetical jurisdiction in order to dismiss on those obvious grounds.” App. to Pet. for Cert. 4a–5a (internal quotation marks omitted); see also *Butcher v. Wendt*, 975 F. 3d 236, 244 (CA2 2020) (collecting cases). The continued use of hypothetical jurisdiction is the subject of a longstanding split of authority. See *Friends of Everglades v. EPA*, 699

F. 3d 1280, 1288–1289 (CA11 2012) (Pryor, J.) (rejecting hypothetical jurisdiction); see also *Butcher*, 975 F. 3d, at 251, n. 7 (Menashi, J., concurring in part and concurring in judgment) (recognizing the split).

The continued use of hypothetical jurisdiction raises serious concerns. To start, the lower courts’ distinction between “statutory jurisdiction” and “Article III” jurisdiction seems untenable. The jurisdiction of federal courts “is limited both by the bounds of the ‘judicial power’ as articulated in Article III, §2, and by the extent to which Congress has vested that power in the lower courts” as required by Article III, §1. *Kaplan v. Central Bank of Islamic Republic of Iran*, 896 F. 3d 501, 517 (CADC 2018) (Edwards, J., concurring); see *Sheldon v. Sill*, 8 How. 441, 449 (1850) (“Courts created by statute can have no jurisdiction but such as the statute confers”). Indeed, *Steel Co.* itself recognized that questions of statutory jurisdiction implicate the separation-of-powers considerations that animated its holding. See 523 U. S., at 101 (“The statutory and (especially) constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers”); see also *Friends of Everglades*, 699 F. 3d, at 1288; *Butcher*, 975 F. 3d, at 246–249 (opinion of Menashi, J.); *Kaplan*, 896 F. 3d, at 517–518 (Edwards, J., concurring). It thus appears exceedingly difficult to reconcile hypothetical statutory jurisdiction with the text and structure of Article III and this Court’s decision in *Steel Co.* See *Friends of Everglades*, 699 F. 3d, at 1289 (“[A court] cannot exercise hypothetical jurisdiction any more than [it] can issue a hypothetical judgment”).

Although “[s]ome cases might cry out for decision on the merits,” and sometimes it is convenient to assume away difficult jurisdictional questions to decide a case on easier merits grounds, courts’ “threshold duty to examine [their] own jurisdiction is no less obligatory in” such cases. *Cross-Sound Ferry Servs., Inc. v. ICC*, 934 F. 2d 327, 346 (CADC

THOMAS, J., dissenting

1991) (Thomas, J., concurring in part and concurring in denial of petition for review). “Much more than legal niceties are at stake here. . . . For a court to pronounce upon the meaning or the constitutionality of a state or federal law when it has no jurisdiction to do so is, by very definition, for a court to act *ultra vires*.” *Steel Co.*, 523 U. S., at 101–102. Because the doctrine of hypothetical jurisdiction is the subject of an entrenched Circuit split and raises fundamental questions of constitutional law, I would grant the petition for certiorari.