(ORDER LIST: 589 U.S.)

MONDAY, FEBRUARY 24, 2020

CERTIORARI -- SUMMARY DISPOSITIONS

19-568 AZANO MATSURA, JOSE S. 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 Ninth Circuit for further consideration in light of *Rehaif v. United States*, 588 U. S. ___ (2019).

19-6496 SMITH, DAVID E. 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 Fourth Circuit for further consideration in light of *Rehaif v. United States*, 588 U. S. ___ (2019).

19-6871 VAZQUEZ, JUSTIN 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 *Rehaif v. United States*, 588 U. S. ___ (2019).

ORDERS IN PENDING CASES

19A721 (19-1024) POWE, WAYNE, ET UX. V. DEUTSCHE BANK NATIONAL TRUST CO.

The application for stay addressed to Justice Sotomayor and

referred to the Court is denied.

19A728 PRATT, HENRY V. BARR, ATT'Y GEN.

The application for stay of removal addressed to Justice Ginsburg and referred to the Court is denied.

19M95 HOLLAND, TYRONE W. V. KEMP, GOV. OF GA

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

19M96 KANEKA CORP. V. XIAMEN KINGDOMWAY GROUP, ET AL.

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

19M97 ADAMS, BARTON J. V. UNITED STATES

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

19M98 IN RE TCT MOBILE INTERNATIONAL LIMITED

The motion for leave to file a petition for a writ of mandamus with the supplemental appendix under seal is denied.

19M99 KAUR, RAMINDER V. MARYLAND

19M100 H. K. V. V. FL DEPT. OF CHILDREN, ET AL.

19M101 H. K. V. V. FL DEPT. OF CHILDREN, ET AL.

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

19M102 KNOCHEL, JAMES J. V. MIHAYLO, EMILY N.

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

18-1323) JUNE MEDICAL SERV., ET AL. V. RUSSO, SEC., LA DEPT. OF HEALTH
)
18-1460) RUSSO, SEC., LA DEPT. OF HEALTH V. JUNE MEDICAL SERV., ET AL.

The motion of Foundation for Life for leave to file a brief as *amicus curiae* out of time is denied.

18-9526 McGIRT, JIMCY V. OKLAHOMA

19-199 SALINAS, MANFREDO M. V. RAILROAD RETIREMENT BOARD

The motions of petitioners to dispense with printing the joint appendices are granted.

19-251) AMERICANS FOR PROSPERITY V. BECERRA, ATT'Y GEN. OF CA
)
19-255) THOMAS MORE LAW CENTER V. BECERRA, ATT'Y GEN. OF CA

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

19-438 PEREIDA, CLEMENTE A. V. BARR, ATT'Y GEN.

19-635 TRUMP, DONALD J. V. VANCE, CYRUS R., ET AL.

The motions of petitioners to dispense with printing the joint appendices are granted.

19-5299 ROSADO, SAMUEL R, V. LUCID ENERGY, INC.

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

19-6804 HELMS, MICHAEL V. WELLS FARGO BANK, ET AL.

19-6967 BOYD, MICHAEL E., ET AL. V. CA PUB. UTIL. COMM'N, ET AL.

19-7081 ADEBOWALE, ADEOYE O. V. WOLF, SEC. OF HOMELAND, ET AL.

19-7268 RUPAK, ACHARAYYA V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 16, 2020, 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

19-123 FULTON, SHARONELL, ET AL. V. PHILADELPHIA, PA, ET AL.

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

18-9699 GARCIA, JOSE V. UNITED STATES

19-107 ASARO, VINCENT V. UNITED STATES

19-273 BINDAY, MICHAEL V. UNITED STATES

19-282 OLIVAS-MOTTA, MANUEL V. BARR, ATT'Y GEN.

19-284 MERCADO RAMIREZ, JOSE J. V. BARR, ATT'Y GEN.

19-347 AER ADVISORS, INC., ET AL. V. FIDELITY BROKERAGE SERVICES, LLC

19-389 DOBYNS, JAY A. V. UNITED STATES

19-433 SUTHERLAND, PATRICK E. V. UNITED STATES

19-475 KARINGITHI, SERAH N. V. BARR, ATT'Y GEN.

19-486 TAFFE, DONNETT M. V. WENGERT, GERALD E., ET AL.

19-488 WALTNER, STEVEN T., ET UX. V. CIR

19-527 HUSKISSON, PAUL V. UNITED STATES

19-541 LAMBERT, MICHAEL V. ESTATE OF KEVIN BROWN, ET AL.

19-569 AYESTAS, CARLOS M. V. DAVIS, DIR., TX DCJ

19-600 KRAKAUER, JON V. CHRISTIAN, CLAYTON T.

19-603 SILGUERO, MARK, ET AL. V. CSL PLASMA, INC.

19-609 SHEPHERD, ERIN J., ET AL. V. STUDDARD, ANGELA

19-619 CISCO SYSTEMS, INC. V. SRI INTERNATIONAL, INC.

19-669 WATKINS, MATTHEW T. V. SAUL, ANDREW M.

19-691 CLARK, ARTHUR L. V. GEORGIA

19-693 BALOV, PETER V. CALIFORNIA

19-694 BAKER, HEATHER V. TRENTON, MI, ET AL.

19-695 WEBB, DEAN B., ET AL. V. DEERE CREDIT, INC., ET AL.

19-698 NORA, WENDY A. V. MN OFFICE OF LAWYERS PROF'L

19-702 O'BRYANT, ALEN D. V. OKLAHOMA

19-703 DAVIS, BARBARA N. V. MTGLQ INVESTORS, L.P.

19-707 ROSAS, IRMA V. SAN ANTONIO HOUSING, ET AL.

19-711 MISSOURI, EX REL. LAMASA V. WRIGHT, JUDGE

19-713 NUNU, PAUL E. V. RISK, NANCY N., ET AL.

19-716 ZHANG, ZHI GANG V. RASMUS, DAN, ET AL.

19-721 GRIFFIN, W. A. V. HUMANA EMPLOYERS HEALTH PLAN

19-722 HUDACK, LARRY J. V. LA CRESTA PROPERTY ASSOC.

19-728 DAVISON, BRIAN V. FACEBOOK, INC., ET AL.

19-729 MEYER, SCOTT H. V. PETERSON, EMILY

19-731 PANCHO'S LLC V. HUGHES, JAMES T., ET AL.

19-734 PATTERSON, TRINA R. V. SELECT PORTFOLIO, ET AL.

19-736 CLARKE, ANDREW V. McMURRAY, COMM'R, GA DOT

19-740 BUTTS, KAYLA V. UNITED STATES

19-744 JACKSON, LESLIE T. V. DISTRICT OF COLUMBIA

19-745 WILLIAMS, KHALIL V. HOUSING OPPORTUNITIES

19-749 RITTER, WILLIAM S. V. TUTTLE, WARDEN, ET AL.

19-752 HI MANAGEMENT ALLIANCE ASSOC. V. RUDEL, RANDY

19-754 ESTATE OF NORMAN KNIGHT, ET AL. V. WHITTEN, BEATRICE E., ET AL.

19-755 STEINER, ROBERT C., ET UX. V. UTAH STATE TAX COMMISSION

19-758 YOUKHANNA, KAMAL A., ET AL. V. STERLING HEIGHTS, MI, ET AL.

19-759 SEGNER, MILO H. V. CIANNA RESOURCES INC.

19-761 KT CORPORATION, ET AL. V. ABS HOLDINGS, LTD., ET AL.

19-768 MARTIN, SHERARD V. MARINEZ, DAVIS, ET AL.

19-769 ELKHARWILY, ALAA V. FRANCISCAN HEALTH SYSTEM

19-770 UNDERWOOD, JASON C. V. PHILLIPS, WARDEN

19-771 SENSABAUGH, GERALD V. HALLIBURTON, KIMBERLY, ET AL.

19-773 MERLINO, ANN, ET AL. V. BUONINCONTRI, CARA

19-778 WEINHAUS, EDWARD A. V. ILLINOIS, ET AL.

19-781 CONDEZ, FRANK V. MA CIVIL SERV. COMM'N, ET AL.

19-785 HUFF, JAMES V. TELECHECK SERVICES, INC., ET AL.

19-786 BUTIA, WILLIE K. V. VIRGINIA

19-787 ROBERTSON, MICHAEL L. V. BANNER BANK

19-788 DALY, ERIN V. CITIGROUP, INC., ET AL.

19-790 MARTIN-DE-NICOLAS, JUAN A. V. AAA TEXAS COUNTY MUTUAL INS. CO.

19-791 ANDERSON LAW OFFICES, ET AL. V. COMMON BENEFIT FEE & COST COMM.

19-796 COWELS, MICHAEL, ET AL. V. FBI, ET AL.

19-799 STREAMBEND PROPERTIES II, ET AL. V. IVY TOWER MINNEAPOLIS, ET AL.

19-800 ROBINSON, CARLIN, ET AL. V. LIOI, DANIEL A., ET AL.

19-801 DELA CRUZ, EDDIE N. V. WILKIE, SEC. OF VA

19-803 SUN, XIU J. V. KELLY, MICHAEL P., ET AL.

19-805 ADAM, BEN V. BARR, ATT'Y GEN., ET AL.

19-811 ROSE, CHRISTINE A., ET AL. V. UTICA, NY, ET AL.

19-812 MARSHALL, CHARLES T. V. FTC

19-813 JUSTICE, LORING E. V. BD. OF PROF'L RESPONSIBILITY

19-818 CARR, JERRY L. V. BARR, ATT'Y GEN.

19-822 WHITE, LAURIE A., ET AL. V. CAIN, ALANA, ET AL.

19-823 PEARSALL, SUSAN V. GUERNSEY, THOMAS C.

19-824 OWENS, LONNIE L. V. PARRIS, WARDEN

19-826 ESTATE OF SWANNIE HER, ET AL. V. HOEPPNER, CRAIG, ET AL.

19-828 GARSKE, CHARLES, ET AL. V. UNITED STATES

19-829 CHRIMAR SYSTEMS, INC. V. JUNIPER NETWORKS, INC., ET AL.

19-830 EFFEX CAPITAL, LLC, ET AL. V. NATIONAL FUTURES ASSN., ET AL.

19-832 APPLE INC. V. VIRNETX INC., ET AL.

19-836 EVANS, PAUL R. V. UNITED STATES

19-838 ALTSCHULD, GLENN N. V. SAUL, ANDREW M.

19-845 HUGGINS, CHARLES V. UNITED STATES

19-846 ARTEM, GEORGE V. KING CTY. DEPT. OF ADULT, ET AL.

19-848 SHIN, PATRICK V. UNITED STATES

19-850 DERRICO, MARK J. V. GEORGIA

19-851 LOPEZ-CASTRO, MANUEL V. UNITED STATES

19-854 UNIVERSAL TELEPHONE EXCHANGE V. ZTE CORP., ET AL.

19-856 LOS ANGELES COUNTY, CA V. RAY, TRINA, ET AL.

19-860 BOSYK, NIKOLAI V. UNITED STATES

19-862 CASTRO, WILLIAM V. LEWIS, R. FRED, ET AL.

19-865 TIPP, MARIAN S. V. JPMC SPECIALTY MORTGAGE

19-870 REINBOLD, JEANA K. V. FIRST MIDWEST BANK

19-877 GEBRESELASSIE, ASMEROM V. FRAUENHEIM, WARDEN

19-879 LEE, HEON S. V. UNITED STATES

19-880 KEMP, YISRAEL M. V. GA STATE UNIV., ET AL.

19-881 SMITH, JOSEPH, ET AL. V. MOTLEY, PAMELA, ET AL.

19-882 DUKES, SHANNON D. V. DAVIS, DIR., TX DCJ

19-883 ROBINSON, JASON I. V. DAVIS, DIR., TX DCJ

19-900 VENNIE, JESSICA V. UNITED STATES

19-907 BECKWITH, DEJENAY, ET AL. V. HOUSTON, TEXAS, ET AL.

19-920 YOUNG, BOULDER V. UNITED STATES

19-925 ZERE, KEBREAB V. DISTRICT OF COLUMBIA

19-946 SNOWDEN, WILLIAM V. BRACY, WARDEN

19-960 GRAND TRUNK WESTERN RAILROAD V. LILLY, STEVEN R.

19-5346 MARTINEZ, JOSE V. UNITED STATES

19-5350 JONES, STEVIE E. V. UNITED STATES

19-5535 ROBINSON, JULIUS O. V. UNITED STATES

19-5539 BEATTIE, NICHOLAS G. V. UNITED STATES

19-5563 BOWLINE, IAN A. V. UNITED STATES

19-5568 NELSON, KEITH D. V. UNITED STATES

19-5784 VILLECCO, MICHAEL V. STARK, DANIEL W., ET AL.

19-5805 ALDISSI, MAHMOUD, ET UX. V. UNITED STATES

19-5829 CASTRO-LOPEZ, YONI V. UNITED STATES

19-5865 BALDERAS, PABLO S. V. UNITED STATES

19-5869 ENRIQUEZ-HERNANDEZ, JAIME V. UNITED STATES

19-5875 GONZALEZ-TERRAZAS, ALFREDO V. UNITED STATES

19-5905 DAVIS, RICKY V. UNITED STATES

19-5907 CASTANEDA-TORRES, LUIS V. UNITED STATES

19-5946 SPENCE, ANTHONY C. V. UNITED STATES

19-5979 LOZANO, RODRIGO P. V. UNITED STATES

19-6015 ARIAS-DE JESUS, ROQUE V. UNITED STATES

19-6037 ANZURES, JOHN V. UNITED STATES

19-6042 CORTES, GERARDO T. V. UNITED STATES

19-6063 ALEXANDER, WILLIAM V. NEW YORK

19-6086 TORRES, LUIS A. V. UNITED STATES

19-6087 MALIK, ATIF B. V. UNITED STATES

19-6095 FULTON, CHARLES D. V. UNITED STATES

19-6110 AYALA-GONZALEZ, ABIMAEL V. NEW YORK

19-6199 RAMIREZ, EMETERIO E. V. UNITED STATES

19-6200 SMITH, MICHAEL S. V. FLORIDA

19-6229 DOUGLAS, JOHN J. V. UNITED STATES

19-6252 RAMIREZ, EDINSON H. V. MARYLAND

19-6264 NELSON, ORANE V. UNITED STATES

19-6265 KNIGHT, ALEX V. UNITED STATES

19-6277 RUVALCABA-GARCIA, MARIO V. UNITED STATES

19-6290 PINEDA-CASTELLANOS, SERVANDO V. UNITED STATES

19-6343 RICHMOND, ANTOINE V. UNITED STATES

19-6432 THIBODEAUX, MICHAEL A. V. EVANS, DREW

19-6517 BROWN, LYNDEN V. UNITED STATES

19-6531 FRAZIER, DEMETRIUS V. DUNN, COMM'R, AL DOC

19-6562 AVENA, CARLOS J. V. CHAPPELL, WARDEN

19-6582 MARTINEZ-MENDOZA, ROBERTO C. V. UNITED STATES

19-6586 INGHELS, SHANE V. UNITED STATES

19-6618 TINKER, DELVIN D. V. UNITED STATES

19-6662 JONES, SHANE E. V. UNITED STATES

19-6671) BOLEYN, KYLE D. V. UNITED STATES
)
19-6672) BELL, ERWIN K. V. UNITED STATES
)
19-6677) VASEY, JUSTIN S. V. UNITED STATES
)
19-6687) GREEN, DEMETRIUS M. V. UNITED STATES
)
19-6688) FISHER, ROBERT J. V. UNITED STATES

19-6683 TREVINO, EMILIO V. BARR, ATT'Y GEN.

19-6685 McLAUGHLIN, SCOTT V. PRECYTHE, DIR., MO DOC

19-6693 STARKS, CHRIS R. V. UNITED STATES

19-6772 NUNEZ, LUIS A. V. BARR, ATT'Y GEN.

19-6783 JARVIS, VIRGIL L. V. ALLISON, SHERIFF, ET AL.

19-6785 LONDON, BOBBIE V. UNITED STATES

19-6789 JASMAN, JOSEPH V. BURTON, WARDEN

19-6794 SMITH, LAKESHA V. ST. JOSEPH'S/CANDLER HEALTH

19-6803 GORMAN, CARMIESHRA V. COLE, REGINA

19-6805 RABAIA, HAJES V. GREWAL, ATT'Y GEN. OF NJ, ET AL.

19-6807 ROBINSON, MARCUS V. PARISH, WARDEN

19-6810 GREGLEY, DUANE V. FENDER, WARDEN

19-6811 HEARD, LAMONT B. V. SNYDER, RICK, ET AL.

19-6812 BAUGHMAN, STEVEN K. V. SEALE, MICHAEL, ET AL.

19-6814 JIMENEZ, ISSAC E. V. CALIFORNIA

19-6815 WINGATE, BLAKE V. NEW YORK

19-6816 WARNER, MICHAEL J. V. MAINE

19-6821 SUNDY, TIM V. FRIENDSHIP PAVILION, ET AL.

19-6823 GONZALES, MICHAEL D. V. DAVIS, DIR., TX DCJ

19-6827 DORCELUS, WESLEY V. BRANNON, WARDEN

19-6833 ROWE, GREGORY A. V. CLARK, SUPT., ALBION, ET AL.

19-6835 ANTWINE, DENNIS D. V. BRANCH CIRCUIT JUDGE

19-6839 SMITH, PATRICK R. V. UNDERWOOD, ATT'Y GEN. OF NY

19-6845 STEWARD, DAVID V. PENNSYLVANIA

19-6847 JOHNSON, LAWRENCE K. V. INCH, SEC., FL DOC, ET AL.

19-6852 TASSONE, MATTHEW V. TASSONE, ZEPHYNIA

19-6853 NGUYEN, NHUONG V. V. LUCKY, JACKSON, ET AL.

19-6857 GOODE, CLARENCE R. V. SHARP, INTERIM WARDEN

19-6866 JACKSON, SHEILA V. GARDA CL EAST, INC.

19-6869 JEFFERSON, MICHAEL A. V. SHINN, DIR., AZ DOC, ET AL.

19-6870 BROWN, KENNY V. MENTAL HEALTH REHABILITATION

19-6872 CLARK, JAMES R. V. UNC HOSPITALS, ET AL.

19-6879 ABDUL-MALIK, SALIM V. OFFICE OF COURT ADMIN., ET AL.

19-6892 ORDEN, JOHN R. V. V. STRINGER, MARK, ET AL.

19-6893 NELSON, MICHAEL W. V. INCH., SEC., FL DOC, ET AL.

19-6894 VURIMINDI, VAMSIDHAR V. PENNSYLVANIA

19-6895 WILLIAMS, JOHN W. V. PENNSYLVANIA

19-6897 BHUIYAN, OBAYDUL H. V. UNITED STATES

19-6903 BARNEY, ALVIN R. V. ESCAMBIA COUNTY, FL, ET AL.

19-6905 CONROY, JOHN A. V. HARRIS, SHERIFF, ET AL.

19-6911 FATHER V. TX DEPT. OF FAMILY

19-6912 ABARA, DAVID V. PALMER, WARDEN, ET AL.

19-6914 ROCKEFELLER, LEVI V. CALIFORNIA

19-6916 JEFFERSON, SHERRI V. SUPREME COURT OF GA

19-6919 CHANNEL, MICHAEL A. V. SHINN, DIR., AZ DOC, ET AL.

19-6924 THOMAS, WILLIAM D. V. McCULLICK, WARDEN

19-6928 LOFTON, LEE D. V. KELLEY, DIR., AR DOC

19-6929 LISLE, STEVEN D. V. DIERCKS, JAMES, ET AL.

19-6931 JOHNSON, ROBERT W. V. LINEBARGER GOGGAN BLAIR

19-6937 LITTLE, SCHERRIETO V. NAU, JANIS

19-6943 CUNNINGHAM, SHEILA A. V. FLORIDA CREDIT UNION

19-6944 KHODAYARI, BAHMAN V. LOS ANGELES, CA, ET AL.

19-6945 DAMERON, KEVIN V. ILLINOIS

19-6951 RAMIREZ, RUBEN S. V. DAVIS, DIR., TX DCJ

19-6954 CAMP, JERRY S. V. DAVIS, DIR., TX DCJ

19-6955 PAUL, SHONDELL J. V. NEW YORK

19-6956 OUTLAND, THOMAS H. V. NEW JERSEY

19-6957 METAYER, VENISE V. FLORIDA

19-6958 McCRAY, RENEE L. V. SAMUEL I. WHITE, P.C., ET AL.

19-6959 JASMINE F. V. DEPT. OF CHILD SAFETY, ET AL.

19-6962 MOURNING, TOM S. V. CRANE, GAYLE L.

19-6963 PRENATT, ROLAND A. V. INCH, SEC., FL DOC, ET AL.

19-6964 POSEY, DAVID R. V. MIDDLEBROOKS, WARDEN, ET AL.

19-6966 KEYS, KYLE A. V. INCH, SEC., FL DOC, ET AL.

19-6969 SWIFT, LEVITICUS A. V. GEORGIA

19-6971 ROBERTS, COMFORT D. V. TEXAS

19-6974 TORRES, WILFREDO V. BELLEVUE SOUTH, ET AL.

19-6976 JOHNSON, JAMES C. V. ARIZONA

19-6977 PITTS, SAMUEL T. V. FLORIDA

19-6978 NARANJO, ISAAC V. CAPOZZA, SUPT., FAYETTE, ET AL.

19-6980 WILLIAMSON, JOHN L. V. WICHITA, KS

19-6981 BYKOV, VLADIK V. ROSEN, STEVEN G., ET AL.

19-6982 COLLINS, ERNEST V. BARNES & THORNBURG LLP, ET AL.

19-6983 McKINNEY, KWASI A. V. ARKANSAS

19-6984 PEREZ, MARK A. V. McGINLEY, SUPT., COAL, ET AL.

19-6985 PLEASANT-BEY, BOAZ V. SHELBY COUNTY, TN, ET AL.

19-6986 NEELY, JARVIS H. V. BALDWIN, DIR., IL DOC, ET AL.

19-6987 BELL, DARRELL W. V. DAVIS, DIR., TX DCJ

19-6988 BLACHER, MARLON J. V. JOHNSON, CHIEF DEPUTY WARDEN

19-6989 BELT, GEORGE C. V. FLORIDA

19-6990 BUSH, KING V. SAY, KANNIKA

19-6992 BROWN, TRENT V. McCULLICK, WARDEN, ET AL.

19-6996 JOHNSON, MYRON L. V. SETTLES, WARDEN

19-6997 BAILEY, GARY A. V. VANNOY, WARDEN

19-6999 DYER, CHARLES A. V. FARRIS, WARDEN

19-7000 CONSTANCE, DAVID V. VANNOY, WARDEN

19-7002 DENHAM, ROBERT C. V. DZURENDA, DIR., NV DOC, ET AL.

19-7004 TORRES, MARIO V. HATTON, WARDEN

19-7009 ROSARIO-GONZALEZ, DANIEL V. UNITED STATES

19-7010 FOLK, OMAR V. PRIME CARE MEDICAL, ET AL.

19-7012 HARDESTY, ROBERT E. V. CHAPMAN, WARDEN

19-7013 GRAY, KENNETH M. V. KEMPER, WARDEN

19-7016 TERRELL, MATTHEW V. ARMANT, WARDEN, ET AL.

19-7017 WILLIAMS, LANA K. V. TACO BELL

19-7019 WASHINGTON, ALVIN V. BODER, JUSTIN, ET AL.

19-7023 COTTON, MICHAEL P. V. ECKSTEIN, WARDEN

19-7024 CARTER, GERMIRA L. V. MICHIGAN

19-7025 FELICIANO, MICHAEL V. MILLER, SUPT., WAYMART, ET AL.

19-7027 HUGHES, PATRICK T. V. PENNSYLVANIA

19-7028 GREEN, JESS L. V. ERRINGTON, JOE

19-7030 GUEVARA, MARGARET V. PADIN, MARK, ET AL.

19-7031 HANCOCK, ALLEN J. V. TEXAS

19-7032 GADDIS, KEVIN D. V. MICHIGAN

19-7033 DARWICH, ALI V. UNITED STATES

19-7036 DALE, JEREMY L. V. AGRESTA, ANTHONY, ET AL.

19-7037 BRADLEY, SHANNON V. COX, THOMAS A.

19-7039 BEAM, KEVIN L. V. CLARK, SUPT., ALBION, ET AL.

19-7040 DIPPOLITO, DALIA A. V. FLORIDA

19-7048 COSTA, BERNARDO V. MISSOURI

19-7054 ROGERS, PHILIP V. ASUNCION, WARDEN

19-7057 SHELTON, JOHNNY L. V. UNITED STATES

19-7060 WILLIAMS, KENT G. V. BROOKS, ET AL.

19-7063 THOMAS, LEETON J. V. PENNSYLVANIA

19-7065 BRASPENICK, CARRIE A. V. JOHNSON LAW PLC

19-7066 TOSCANO, EVARISTO V. LIZARRAGA, WARDEN

19-7068 BAKER, JANICE V. MACY'S FLORIDA STORES, LLC

19-7069 VINCENT, LEE A. V. WILLIAMS, WARDEN

19-7077 SANCHEZ, IMMANUEL F. V. CALIFORNIA, ET AL.

19-7080 JABOIN, STANLEY V. FLORIDA

19-7082 LIPSKI, MARK J. V. MAINE

19-7085 OEUR, RATHA V. COUNTY OF LOS ANGELES, CA

19-7087 MAY, ANTHONY V. JOHNSON, ADM'R, NJ, ET AL.

19-7089) CRUZ-RAMIREZ, JONATHAN V. UNITED STATES
)
19-7133) GUEVARA, ANGEL N. V. UNITED STATES
)
19-7149) HERRERA, GUILLERMO V. UNITED STATES
)
19-7151) LOPEZ, ERICK D. V. UNITED STATES

19-7093 IBARRA, OSCAR V. LUDWICK, WARDEN

19-7094 LAWRENCE, ERNEST V. GREWAL, ATT'Y GEN. OF NJ, ET AL.

19-7096 SMITH, DAVID L. V. JACKSON, RICK

19-7109 OUTING, J'VEIL V. CARDONA, COMM'R, CT DOC

19-7118 BUFFINGTON, CALVIN V. UNITED STATES

19-7121 SHACHTER, JAY F. V. CHICAGO, IL

19-7123 MITCHELL, SEAN G. V. UNITED STATES

19-7125 DODGE, SHANE R., ET UX. V. BONNERS FERRY POLICE, ET AL.

19-7126 DAMON, RONALD V. UNITED STATES

19-7128) POPOOLA, MOJISOLA V. UNITED STATES
)
19-7208) OGUNDELE, GBENGA B. V. UNITED STATES

19-7130 MOREL, FABIO V. UNITED STATES

19-7132 THOMASON, RIC V. UNITED STATES

19-7134 CARTER, JESSIE V. DEPT. OF AGRICULTURE

19-7136 McCLAFLIN, KAREN L. V. UNITED STATES

19-7137 McINTOSH, PATRICK R. V. UNITED STATES

19-7138 BLANKENSHIP, MICHAEL V. UNITED STATES

19-7139 PAWLAK, DARYL G. V. UNITED STATES

19-7141 OLIVEROS, FERNANDO V. ILLINOIS

19-7144 STROUSE, JAMES B. V. WARDEN, USP COLEMAN II

19-7145 RODRIGUEZ-MILIAN, CARLOS E. V. UNITED STATES

19-7146 RAPOPORT, DAVID V. GILMORE, SUPT., GREENE, ET AL.

19-7152 LEAVITT, ALLAN M. V. PHILLIPS, CYNTHIA A., ET AL.

19-7155 DeFREITAS, RUSSELL V. KIZZIAH, WARDEN

19-7159 CLARDY, GIORGIO S. V. GULICK, GARTH, ET AL.

19-7161 MURRAY, AARON M. V. UNITED STATES

19-7163 HATTON, PAUL A. V. COMBS, JUSTICE, OK SC, ET AL.

19-7164 HOWARD, DOMINIC V. UNITED STATES

19-7167 JADAV, HARSHADKUMAR N. V. VIRGINIA

19-7169 COBBLE, DANIEL E. V. UNITED STATES

19-7170 TAYLOR, DANTE V. NEW YORK

19-7171 TURNER, SAMUEL V. UNITED STATES

19-7172 SIMMONS, LARRY A. V. UNITED STATES

19-7173 ROSE, KENNETH V. UNITED STATES

19-7174 STEWART, JOHN H. V. HONSAL, WILLIAM, ET AL.

19-7175 ROBINSON, CURRY V. SMITH, SUPT., HOUTZDALE, ET AL.

19-7176 MORAN, DAVID P. V. FLORIDA

19-7178 ALLEN, TRACY J. V. UNITED STATES

19-7180 BEIER, RAFAEL L. V. UNITED STATES

19-7183 WILLIAM, MALCOLM V. PENNSYLVANIA

19-7185 BREWER, STANLEY V. LEE, SUPT., EASTERN NY

19-7187 MILES, TYREE V. PENNSYLVANIA

19-7193 YOUNG, CHARLES T. V. SAUL, ANDREW M.

19-7194 VAZQUEZ, JUAN C. V. SOUTH CAROLINA

19-7197 YOUNG, DARRYL W. V. UNITED STATES

19-7198 B. T. D. V. ALABAMA

19-7199 TOOLY, PAUL V. SCHWALLER, JOHN F.

19-7201 JONES, CASEY L. V. UNITED STATES

19-7207 ELSHINAWY, MOHAMED V. UNITED STATES

19-7209 ALSTON, JUROTHER L. V. UNITED STATES

19-7216 RAMET, DANIEL A. V. LeGRANDE, WARDEN

19-7218 CABRERA, OSCAR A. V. CALIFORNIA

19-7221 GRAY, ANTHONY V. UNITED STATES

19-7223 KHAN, ERIK B. V. UNITED STATES

19-7225 SALAS, MICHAEL L. V. VAZQUEZ, WARDEN

19-7226 ROBINSON, TONY V. ILLINOIS

19-7227 REYES-VILLATORO, SANTOS V. UNITED STATES

19-7228 CARTER, JERRY V. UNITED STATES

19-7231 MONROE, JOSHUA A. V. LEWIS, WARDEN

19-7234 CHISHOLM, DENZEL V. UNITED STATES

19-7235 GROSS, TREVON V. UNITED STATES

19-7237 CROOM, CHRISTOPHER L. V. ILLINOIS

19-7238 BURKES, JERRY R. V. TENNESSEE

19-7239 CORN, JOHN E. V. UNITED STATES

19-7242 WHITEHEAD, BRYAN V. UNITED STATES

19-7243 WOLF, JOSHUA V. GRIFFITH, WARDEN

19-7245 BOWIE, DARREN L. V. UNITED STATES

19-7246 HARRIS, KEITH V. UNITED STATES

19-7247 HAYS, MARK L. V. TEWS, WARDEN

19-7248 HINTON, CHRISTOPHER O. V. UNITED STATES

19-7249 EVANS, HERBERT V. HOLLINGSWORTH, WARDEN

19-7250 JENKINS, THOMAS K. V. UNITED STATES

19-7251 McNEAL, WILLIAM V. FLORIDA

19-7253 DeFRANCISCI, FABRIZIO V. UNITED STATES

19-7255 DURAN, FERNANDO V. UNITED STATES

19-7256 OSBORNE, JOSEPH E. V. HALL, COMM'R, MS DOC

19-7257 MVURI, DILLON V. AMERICAN AIRLINES

19-7258 COLLINS, JAMAL M. V. UNITED STATES

19-7259 AFRIYIE, JOHN V. UNITED STATES

19-7261 LOPEZ, GIBRON V. UNITED STATES

19-7264 ZAPATA, LAZARO V. ILLINOIS

19-7265 TOTORO, JOSEPH V. UNITED STATES

19-7266 STONE, MICKIE V. CENTENE CORPORATION

19-7269 ROBERTSON, JAMES P. V. UNITED STATES

19-7270 SAYED, HAZHAR A. V. COLORADO

19-7271 HALL, ERIC V. UNITED STATES

19-7272 MITCHELL, KENYATTA Q. V. DIAZ, SEC., CA DOC., ET AL.

19-7274 BARTKO, GREGORY V. UNITED STATES

19-7275 BOYETT, CECIL V. NEW MEXICO

19-7276 PUJAYASA, KETUT V. UNITED STATES

19-7278 COBB, TERRANCE V. FLORIDA

19-7283 EARLS, FAIRLY W. V. NOVAK, WARDEN

19-7289 GORDON, WILLIS S. V. CLINE, WARDEN

19-7291 GUZMAN, JOSE A. V. SANTORO, ACTING WARDEN

19-7292 FRANKS, JERRY V. COLLINS, WARDEN

19-7293 BOWEN, DESMOND V. UNITED STATES

19-7294 KWANING, MOHAMMED V. UNITED STATES

19-7298 BELL, JAMES L. V. FLORIDA

19-7304 SALAZAR, ANTHONY M. V. UNITED STATES

19-7305 SPRINGER, WILLIAM J. V. UNITED STATES

19-7307 MOZ-AGUILAR, JULIAN V. UNITED STATES

19-7313 CRUTCHFIELD, DALTON V. UNITED STATES

19-7315 WRIGHT, ANDREW V. UNITED STATES

19-7318 YABLONSKY, JOHN H. V. CALIFORNIA

19-7323 STOLLER, LEO V. UNITED STATES

19-7324 GREER, LONNIE V. UNITED STATES

19-7325 KANTETE, HOPE K. V. UNITED STATES

19-7326 ALLRED, JIMMY L. V. UNITED STATES

19-7327 MACLI, ANTONIO V. UNITED STATES

19-7330 HALDORSON, MICHAEL P. V. UNITED STATES

19-7331 CUNNINGHAM, LAVORICE D. V. UNITED STATES

19-7332 KING, BRIAN D. V. UNITED STATES

19-7334 DIAZ-CESTARY, EDGARDO V. UNITED STATES

19-7335 PRODOEHL, CHAD V. UNITED STATES

19-7336 PENA, FRANCISCO V. UNITED STATES

19-7337 PALMER, KINNEY L. V. UNITED STATES

19-7341 WISEMAN, JOEY D. V. UNITED STATES

19-7352 GODOY-MACHUCA, ALFREDO V. UNITED STATES

19-7356 GRIFFIN, JAMES H. V. INCH, SEC., FL DOC, ET AL.

19-7359 GUZMAN-CORREA, DANNY V. UNITED STATES

19-7363 ROMANS, RICHARD G. V. UNITED STATES

19-7364 SINGLETON, ERNEST W. V. UNITED STATES

19-7365 ROBERTS, TYRONE T. V. INCH, SEC., FL DOC, ET AL.

19-7367 MAGANA-GONZALEZ, ADALBERTO V. UNITED STATES

19-7370 BUENROSTRO-LOPEZ, MARIO A. V. UNITED STATES

19-7371 BENTLEY, LARRY V. UNITED STATES

19-7381 JONES, PERCY V. UNITED STATES

19-7387 MILES, TRAVIS V. UNITED STATES

19-7392 DAVIS, DEMETRIUS D. V. UNITED STATES

19-7394 GUILLEN, JEREMIAS V. UNITED STATES

19-7396 HARO-VERDUGO, JULIO M. V. UNITED STATES

19-7400 GLENN, CHRISTOPHER R. V. UNITED STATES

19-7404 ROE, JOSEPH J. V. UNITED STATES

19-7408 BOWMAN, DANIEL J. V. UNITED STATES

19-7416 GRIFFIN, JAMES P. V. UNITED STATES

19-7417 EDWARDS, COREY M. V. UNITED STATES

19-7422 FAIRLEY, ANDRE A. V. MISSISSIPPI

19-7430 BRYANT, RICHARD L. V. UNITED STATES

19-7433 WILSON, ANTHONY R. V. UNITED STATES

19-7434 ZAMBRANO, ANDREA V. UNITED STATES

19-7438 SCOTT, JAVION V. UNITED STATES

19-7439 SAMAAN, SADDAM S. V. UNITED STATES

19-7440 STRATTAN, ALAN V. INCH, SEC., FL DOC, ET AL.

The petitions for writs of certiorari are denied.

19-440 NORTHERN TRUST CORP., ET AL. V. BANKS, LINDIE L., ET AL.

The motion of American Bankers Association, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

19-447 PUNTENNEY, KEITH, ET AL. V. IOWA UTILITIES BOARD, ET AL.

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

19-494 MORGAN, DAVID Z. V. WASHINGTON

The motion of Washington Association of Criminal Defense Lawyers, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

19-564 MICHIGAN V. BECK, ERIC L.

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

19-692 DEO, SUNIL V. CALIFORNIA

The motion of California Land Title Association for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

19-804 SUN, XIU J. V. TRUMP, PRESIDENT OF U.S., ET AL.

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

19-6818 WARD, JOHN D. V. UNITED STATES

19-6832 LACY, JAMES H. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Sotomayor, with whom Justice Ginsburg joins, dissenting from the denial of certiorari: I dissent for the reasons set out in *Brown v. United States*, 586 U. S. ___ (2018) (Sotomayor, J., dissenting).

19-6836 WIMBUSH, THERIAN V. MICKENS, WARDEN

19-6844 SANTIAGO, FABIAN V. HILL, JUDGE

19-6851 LASHER, LENA V. NE STATE BD. OF PHARMACY, ET AL.

19-6886 DONAHUE, SEAN M. V. SUPERIOR COURT OF PA, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

19-7046 JONES, ELVIS W. V. OVERSTREET, C., ET AL.

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

19-7100 JONES, DAMON V. WETZEL, SEC., PA DOC, 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. Justice Alito took no part in the consideration or decision of this motion and this petition.

19-7114 FINLEY, JOE L. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor, with whom Justice Ginsburg joins, dissenting from the denial of certiorari: I dissent for the reasons set out in *Brown v. United States*, 586 U. S. ___ (2018) (Sotomayor, J., dissenting).

19-7119 BELL, LARRY V. RANSOM, SUPT., DALLAS, ET AL.

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

19-7156 CLAYBORNE, ROBERT E. V. HANSEN, WARDEN

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.

19-7177 MILLER, ERIC C. V. GIBBS, WARDEN

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

19-7200 ADAMS, BARRY W. V. CALHOUN COUNTY, MI, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

19-7375 VALENCIA-TRUJILLO, JOAQUIN M. V. UNITED STATES

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

19-7386 DOWELL, JACK V. HUDGINS, WARDEN

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

petition.

19-7389 McCREA, NICOLE R. V. DC OFFICE HUMAN RIGHTS, 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.

19-7412 EMBRY, ALFORD D. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor, with whom Justice Ginsburg joins, dissenting from the denial of certiorari: I dissent for the reasons set out in *Brown v. United States*, 586 U. S. ___ (2018) (Sotomayor, J., dissenting).

HABEAS CORPUS DENIED

19-934 IN RE TODD BRITTON-HARR

19-6863 IN RE MELVIN BONNELL

19-7285 IN RE LAWONE WILKINSON

19-7312 IN RE MO S. HICKS

19-7420 IN RE ADREAN FRANCIS

19-7491 IN RE WILLIAM J. BERRY

19-7509 IN RE LAWRENCE E. MATTISON

19-7524 IN RE LEXTER K. KOSSIE

19-7555 IN RE EUGENE FRENCH

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

19-750 IN RE THE LAW OFFICES OF NINA RINGGOLD, ET AL.

19-775 IN RE PHILIPPE BUHANNIC

19-833 IN RE PHILIPPE BUHANNIC

19-834 IN RE PHILIPPE BUHANNIC

19-6888 IN RE ROGER A. LIBBY

19-7029 IN RE PAUL FAHRING

The petitions for writs of mandamus are denied.

19-6917 IN RE SHERRI JEFFERSON

The petition for a writ of mandamus and/or prohibition is denied.

PROHIBITION DENIED

19-7050 IN RE CHARLENE ROSA

19-7154 IN RE COREY D. EATON

19-7366 IN RE ANDREW J. JOHNSTON

The petitions for writs of prohibition are denied.

REHEARINGS DENIED

18-9711 MEYERS, DAVID V. CLARKE, DIR., VA DOC

19-224 STROTHER, BRYAN J. V. BALDWIN, DAVID S., ET AL.

19-344 HUANG, QIHUI V. PAI, CHAIRMAN, FCC, ET AL.

19-545 COULTER, JEAN V. PAULISICK, GERRI V., ET AL.

19-5158 HIGGINS, JOHN V. FEDERAL NATIONAL MORTGAGE ASSN.

19-5293 OWENS, FRANK L. V. INCH, SEC., FL DOC, ET AL.

19-5650 WILLIAMS, JAMES M. V. PARAMO, WARDEN, ET AL.

19-5693 HUTCHINSON, HARLOW V. LOUISIANA

19-5860 WASHINGTON, T'CHALLA R. V. DAVIS, DIR., TX DCJ

19-5906 TAEBEL, MITCHELL V. DUCEY, GOV. OF AZ, ET AL.

19-5934 MERRYMAN, BRUCE R. V. DAVIS, DIR., TX DCJ

19-5972 ROBINSON, DIMITRI B. V. MICHIGAN

19-5981 TRUESDALE, WILLIAM J. V. FLORIDA

19-6058 PHILIPPE, GUY V. UNITED STATES

19-6073 JONES, GLEN T. V. INCH, SEC., FL DOC

19-6096 SIMMONS, JERRY V. VANNOY, WARDEN

19-6104 PEARSON, FREYA D. V. UNITED STATES

19-6160 CASWELL, REGGIE D. V. NEW YORK

19-6184 JOHNSON, CHAVALIER D. V. SEVERSON, WARDEN, ET AL.

19-6246 JONES, SHAFIA M. V. WISCONSIN

19-6248 IN RE WARREN PARKS

19-6257 LOVETT, LAMAR V. TEXAS

19-6263 VELASQUEZ, CARLOS V. UTAH, ET AL.

19-6345 LUCY, WILLIAM N. V. COOKS, MARY

19-6400 WAZNEY, ROBERT W. V. JPMORGAN CHASE BANK, N.A.

19-6484 IN RE JOHN H. STEELE

19-6536 McGUIRE, PATT V. ST. LOUIS COUNTY, MO, ET AL.

19-6540 GRANT, HOWARD V. UNITED STATES

19-6559 JOHNSON, ROBERT W. V. SAUL, ANDREW M.

19-6607 STANFORD, ROBERT A. V. CLAYTON, JAY

19-6639 ANDREWS, ANTHONY V. UNITED STATES

The petitions for rehearing are denied.

19-560 NICASSIO, JENNIE V. VIACOM INTERNATIONAL, ET AL.

The petition for rehearing is denied. Justice Breyer took no part in the consideration or decision of this petition.

19-481 IN RE R. C. LUSSY

19-6157 BROCKINGTON, CLARA L. V. SAUL, ANDREW M.

19-6481 ROTTE, HAROLD B. V. UNITED STATES

The motions for leave to file petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-3059 IN THE MATTER OF DISCIPLINE OF LEWIS P. HANNAH, III

Lewis P. Hannah, III, of Philadelphia, Pennsylvania, 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-3060 IN THE MATTER OF DISCIPLINE OF JUSTIN ALAN TORRES

Justin Alan Torres, 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.

D-3061 IN THE MATTER OF DISCIPLINE OF GLENN D. DESANTIS

Glenn D. DeSantis, of Voorhees, New Jersey, 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-3062 IN THE MATTER OF DISCIPLINE OF JOSEPH C. WATT, JR.

Joseph C. Watt, Jr., of Fayetteville, New York, 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-3063 IN THE MATTER OF DISCIPLINE OF FRANK WOODSON ERWIN

Frank Woodson Erwin, of Fort Myers, Florida, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3064 IN THE MATTER OF DISCIPLINE OF KEITH ALLAN VANDERBURG

Keith Allan Vanderburg, of Independence, Ohio, 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-3065 IN THE MATTER OF DISCIPLINE OF PHILIP R. FARTHING

Philip R. Farthing, of Norfolk, 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-3066 IN THE MATTER OF DISCIPLINE OF JACQUELINE CARR

Jacqueline Carr, of Slidell, Louisiana, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

Per Curiam

SUPREME COURT OF THE UNITED STATES

ROMAN CATHOLIC ARCHDIOCESE OF SAN JUAN, PUERTO RICO *v.* YALI ACEVEDO FELICIANO, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF PUERTO RICO

No. 18–921. Decided February 24, 2020

PER CURIAM.

In 1979, the Office of the Superintendent of Catholic Schools of the Archdiocese of San Juan created a trust to administer a pension plan for employees of Catholic schools, aptly named the Pension Plan for Employees of Catholic Schools Trust (Trust). Among the participating schools were Perpetuo Socorro Academy, San Ignacio de Loyola Academy, and San Jose Academy.

In 2016, active and retired employees of the academies filed complaints in the Puerto Rico Court of First Instance alleging that the Trust had terminated the plan, eliminating the employees' pension benefits. The employees named as a defendant the "Roman Catholic and Apostolic Church of Puerto Rico," which the employees claimed was a legal entity with supervisory authority over all Catholic institutions in Puerto Rico. App. to Pet. for Cert. 58–59, 152–153 (emphasis deleted).[1] The employees also named as defendants the Archdiocese of San Juan, the Superintendent, the three academies, and the Trust.

The Court of First Instance, in an order affirmed by the Puerto Rico Court of Appeals, denied a preliminary injunction requiring the payment of benefits, but the Puerto Rico Supreme Court reversed. The Supreme Court concluded

---

[1] The petition for a writ of certiorari includes certified translations of the opinions, originally in Spanish, of the Puerto Rico courts. We cite the certified translations.

that "if the Trust did not have the necessary funds to meet its obligations, the participating employers would be obligated to pay." *Id.*, at 3. But, because "there was a dispute as to which defendants in the case had legal personalities," the Supreme Court remanded the case to the Court of First Instance to "determine who would be responsible for continuing paying the pensions, pursuant to the preliminary injunction." *Ibid.*

The Court of First Instance determined that the "Roman Catholic and Apostolic Church in Puerto Rico" was the only defendant with separate legal personhood. *Id.*, at 239–240. The Court held such personhood existed by virtue of the Treaty of Paris of 1898, through which Spain ceded Puerto Rico to the United States. The Court found that the Archdiocese of San Juan, the Superintendent, and the academies each constituted a "division or dependency" of the Church, because those entities were not separately incorporated. *Ibid.*

As a result, the Court of First Instance ordered the "Roman Catholic and Apostolic Church in Puerto Rico" to make payments to the employees in accordance with the pension plan. *Id.*, at 241. Ten days later, the Court issued a second order requiring the Church to deposit $4.7 million in a court account within 24 hours. The next day, the Court issued a third order, requiring the sheriff to "seize assets and moneys of . . . the Holy Roman Catholic and Apostolic Church, and any of its dependencies, that are located in Puerto Rico." *Id.*, at 223.

The Puerto Rico Court of Appeals reversed. It held that the "Roman Catholic and Apostolic Church in Puerto Rico" was a "legally nonexistent entity." *Id.*, at 136. But, the Court concluded, the Archdiocese of San Juan and the Perpetuo Socorro Academy could be ordered to make contribution payments. The Archdiocese enjoyed separate legal personhood as the effective successor to the Roman Catholic Church in Puerto Rico, the entity recognized by the Treaty

of Paris. Perpetuo Socorro Academy likewise constituted a separate legal person because it had been incorporated in accordance with Puerto Rico law, even though its registration was not active in 2016, when the orders were issued. The two remaining academies, San Ignacio Academy and San Jose Academy, were part of the same legal entity as "their respective parishes," but the employees could not obtain relief against the parishes because they had not been named as defendants. *Id.*, at 167.

The Puerto Rico Supreme Court again reversed, reinstating the preliminary injunction issued by the trial court. The Supreme Court first held that the "relationship between Spain, the Catholic Church, and Puerto Rico is *sui generis*, given the particularities of its development and historical context." *Id.*, at 5. The Court explained that the Treaty of Paris recognized the "legal personality" of "the Catholic Church" in Puerto Rico. *Id.*, at 6.

The Puerto Rico Supreme Court further observed that "each entity created that operates separately and with a certain degree of autonomy from the Catholic Church is in reality a fragment of only one entity that possesses legal personality," at least where the entities have not "independently submitt[ed] to an ordinary incorporation process." *Id.*, at 13–14 (emphasis deleted). "In other words," the Court continued, "the entities created as a result of any internal configuration of the Catholic Church," such as the Archdiocese of San Juan, "are not automatically equivalent to the formation of entities with different and separate legal personalities in the field of Civil Law," but "are merely indivisible fragments of the legal personality that the Catholic Church has." *Ibid.* And Perpetuo Socorro Academy was not a registered corporation in 2016, when the plan was terminated. *Id.*, at 16. Therefore, under the Court's reasoning, the only defendant with separate legal personality, and the only entity that could be ordered to pay the employees' pensions, was the "Roman Catholic and Apostolic Church

in Puerto Rico." *Id.*, at 2.

Two Justices dissented. Justice Rodríguez Rodríguez criticized the majority for "inappropriately interfer[ing] with the operation of the Catholic Church by imposing on it a legal personality that it does not hold in the field of private law." *Id.*, at 29. In her view, the Archdiocese of San Juan and the five other dioceses in Puerto Rico each has its own "independent legal personality." *Id.*, at 52. Justice Colón Pérez likewise determined that, under Puerto Rico law, "each Diocese and the Archdiocese ha[s its] own legal personality" and that no separate "legal personality" called the "Roman Catholic and Apostolic Church" exists. *Id.*, at 80, 90 (emphasis deleted).

The Archdiocese petitioned this Court for a writ of certiorari. The Archdiocese argues that the Free Exercise and Establishment Clauses of the First Amendment require courts to defer to "the Church's own views on how the Church is structured." Pet. for Cert. 1. Thus, in this case, the courts must follow the Church's lead in recognizing the separate legal personalities of each diocese and parish in Puerto Rico. The Archdiocese claims that the Puerto Rico Supreme Court decision violated the "religious autonomy doctrine," which provides: "[W]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them." *Id.*, at 20 (quoting *Watson* v. *Jones*, 13 Wall. 679, 727 (1872)).

We called for the Solicitor General's views on the petition. 588 U. S. ___ (2019). The Solicitor General argues that we need not "reach [the Archdiocese's] broader theory in order to properly dispose of this case," because a different error warrants vacatur and remand. Brief for United States as *Amicus Curiae* on Pet. for Cert. 13–14 (Brief for United States). Instead of citing "any neutral rule of Puerto Rico

law governing corporations, incorporated or unincorporated associations, veil-piercing, joint-and-several liability, or vicarious liability," the Puerto Rico Supreme Court "relied on a special presumption—seemingly applicable only to the Catholic Church . . . —that all Catholic entities on the Island are 'merely indivisible fragments of the legal personality that the Catholic Church has.'" *Id.*, at 9 (quoting App. to Pet. for Cert. 14). The Solicitor General contends that the Puerto Rico Supreme Court thus violated the fundamental tenet of the Free Exercise Clause that a government may not "single out an individual religious denomination or religious belief for discriminatory treatment." Brief for United States 8 (citing *Murphy* v. *Collier*, 587 U. S. ___ (2019); *Church of Lukumi Babalu Aye, Inc.* v. *Hialeah*, 508 U. S. 520, 524–525 (1993); *Fowler* v. *Rhode Island*, 345 U. S. 67, 69 (1953)).

We do not reach either argument because we find that the Court of First Instance lacked jurisdiction to issue the payment and seizure orders. On February 6, 2018, after the Supreme Court of Puerto Rico remanded the case to the Court of First Instance to determine the appropriate parties to the preliminary injunction, the Archdiocese removed the case to the United States District Court for the District of Puerto Rico. Notice of Removal in *Acevedo-Feliciano* v. *Holy Catholic Church*, No. 3:18–cv–01060. The Archdiocese argued that the Trust had filed for Chapter 11 bankruptcy and that this litigation was sufficiently related to the bankruptcy to give rise to federal jurisdiction. *Id.*, at 5–6 (citing 28 U. S. C. §§1334(b), 1452). The Bankruptcy Court dismissed the Trust's bankruptcy proceeding on March 13, 2018. Opinion and Order Granting Motions to Dismiss in *In re Catholic Schools Employee Pension Trust*, No. 18–00108. The Puerto Rico Court of First Instance issued the relevant payment and seizure orders on March 16, March 26, and March 27. App. to Pet. for Cert. 224, 227, 241. But the District Court did not remand the case to the Puerto

Rico Court of First Instance until nearly five months later, on August 20, 2018. Order Granting Motion to Remand in *Acevedo-Feliciano* v. *Archdiocese of San Juan*, No. 3:18–cv–01060.

Once a notice of removal is filed, "the State court shall proceed no further unless and until the case is remanded." 28 U. S. C. §1446(d).[2] The state court "los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment [are] not . . . simply erroneous, but absolutely void." *Kern* v. *Huidekoper*, 103 U. S. 485, 493 (1881). "Every order thereafter made in that court [is] *coram non judice*," meaning "not before a judge." *Steamship Co.* v. *Tugman*, 106 U. S. 118, 122 (1882); Black's Law Dictionary 426 (11th ed. 2019). See also 14C C. Wright, A. Miller, E. Cooper, J. Steinman, & M. Kane, Federal Practice and Procedure §3736, pp. 727–729 (2018).

The Court of First Instance issued its payment and seizure orders after the proceeding was removed to federal district court, but before the federal court remanded the proceeding back to the Puerto Rico court. At that time, the Court of First Instance had no jurisdiction over the proceeding. The orders are therefore void.

We note two possible rejoinders. First, the Puerto Rico Court of Appeals suggested that the Archdiocese consented to the Court of First Instance's jurisdiction by filing motions in that court after removal. But we have held that a removing party's right to a federal forum becomes "fixed" upon filing of a notice of removal, and that if the removing party's "right to removal [is] ignored by the State court," the party may "make defence in that tribunal in every mode recog-

[2] "The laws of the United States relating to . . . removal of causes . . . as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico." 48 U. S. C. §864.

nized by the laws of the State, without forfeiting or impairing, in the slightest degree, its right to a trial" in federal court. *Steamship Co.*, 106 U. S., at 122–123. Such actions do not "restore[ ]" "the jurisdiction of the State court." *Id.*, at 122. So, too, the Archdiocese's motions did not restore jurisdiction to the Court of First Instance.

Second, the District Court remanded the case to the Court of First Instance by way of a *nunc pro tunc* judgment stating that the order "shall be effective as of March 13, 2018," the date that the Trust's bankruptcy proceeding was dismissed. *Nunc Pro Tunc* Judgt. in No. 3:18–cv–01060 (Aug. 8, 2018).

Federal courts may issue *nunc pro tunc* orders, or "now for then" orders, Black's Law Dictionary, at 1287, to "reflect[ ] the reality" of what has already occurred, *Missouri* v. *Jenkins*, 495 U. S. 33, 49 (1990). "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court." *Cuebas y Arredondo* v. *Cuebas y Arredondo*, 223 U. S. 376, 390 (1912).

Put colorfully, "[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history—creating 'facts' that never occurred in fact." *United States* v. *Gillespie*, 666 F. Supp. 1137, 1139 (ND Ill. 1987). Put plainly, the court "cannot make the record what it is not." *Jenkins*, 495 U. S., at 49.

Nothing occurred in the District Court case on March 13, 2018. See Order Granting Motion to Remand in No. 3:18–cv–01060 (noting, on August 20, 2018, that the motion is "hereby" granted and ordering judgment "accordingly"). March 13 was when the Bankruptcy Court dismissed the Trust's proceeding and thus the day that the Archdiocese's argument for federal jurisdiction lost its persuasive force. Even so, the case remained in federal court until that court, on August 20, reached a decision about the motion to remand that was pending before it. The Court of First Instance's actions in the interim, including the payment and

seizure orders, are void.

The Solicitor General agrees that the Court of First Instance lacked jurisdiction but argues that this defect does not prevent us from addressing additional errors, including those asserted under the Free Exercise Clause. That may be correct, given that the Puerto Rico courts do not exercise Article III jurisdiction. But we think the preferable course at this point is to remand the case to the Puerto Rico courts to consider how to proceed in light of the jurisdictional defect we have identified.

The petition for certiorari and the motions for leave to file briefs *amici curiae* are granted, the judgment of the Puerto Rico Supreme Court is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

ROMAN CATHOLIC ARCHDIOCESE OF SAN JUAN, PUERTO RICO, PETITIONER *v.* YALI ACEVEDO FELICIANO, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF PUERTO RICO

No. 18–921. Decided February 24, 2020

JUSTICE ALITO, with whom JUSTICE THOMAS joins, concurring.

I join the opinion of the Court but write separately to note other important issues that may arise on remand.

First, the decision of the Supreme Court of Puerto Rico is based on an erroneous interpretation of this Court's old decision in *Municipality of Ponce* v. *Roman Catholic Apostolic Church in Porto Rico*, 210 U. S. 296, 323–324 (1908). The main question decided by the Supreme Court of Puerto Rico below was whether the Catholic Church in Puerto Rico is a single entity for civil law purposes or whether any subdivisions, such as dioceses or parishes, or affiliated entities, such as schools and trusts, are separate entities for those purposes. The Supreme Court of Puerto Rico held that *Ponce* decided that in Puerto Rico the Catholic Church is a single entity for purposes of civil liability. That was incorrect.

The question in *Ponce* was whether the Catholic Church or the municipality of Ponce held title to two churches that had been built and maintained during the Spanish colonial era using both private and public funds. The Church sued to establish that it had title, and the municipality argued that the Church could not bring suit because it was not a juridical person. 210 U. S., at 308–309. After considering the Treaty of Paris, Dec. 10, 1898, 30 Stat. 1754, which ended the Spanish-American War, this Court simply held that the Church was a juridical person and thus could bring

suit. See 210 U. S., at 310–311, 323–324. This Court did not hold that the Church is a single entity for purposes of civil liability, but that is how the Supreme Court of Puerto Rico interpreted the decision. That court quoted *Ponce*'s statement that "'[t]he Roman Catholic Church has been recognized as possessing legal personality by the treaty of Paris, and its property rights solemnly safeguarded.'" App. to Pet. for Cert. 7 (quoting 210 U. S., at 323–324). Immediately thereafter it wrote: "Despite this, the intermediate appellate court understood that each division of the Catholic Church in Puerto Rico equals the creation of a different and separate legal entity and did not recognize that legal personality of the Catholic Church." App. to Pet. for Cert. 8.

This is an incorrect interpretation of this Court's decision, and it would have been appropriate for us to reverse the decision below on that ground were it not for the jurisdictional issue that the Court addresses. The assets that may be reached by civil plaintiffs based on claims regarding conduct by entities and individuals affiliated in some way with the Catholic Church (or any other religious body) is a difficult and important issue, but at least one thing is clear: This Court's old decision in *Ponce* did not address that question.

Second, as the Solicitor General notes, the Free Exercise Clause of the First Amendment at a minimum demands that all jurisdictions use neutral rules in determining whether particular entities that are associated in some way with a religious body may be held responsible for debts incurred by other associated entities. See Brief for United States as *Amicus Curiae* on Pet. for Cert. 8–13.

Beyond this lurk more difficult questions, including (1) the degree to which the First Amendment permits civil authorities to question a religious body's own understanding of its structure and the relationship between associated entities and (2) whether, and if so to what degree, the First

Amendment places limits on rules on civil liability that seriously threaten the right of Americans to the free exercise of religion as members of a religious body.

The Court does not reach these issues because of our jurisdictional holding. But they are questions that may well merit our review.

SUPREME COURT OF THE UNITED STATES

RODNEY REED *v.* TEXAS

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

No. 19–411. Decided February 24, 2020

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

On April 23, 1996, the body of 19-year-old Stacey Lee Stites, a white woman, was found in the brush near a road in Bastrop County, Texas. The last person known to have seen Stites was her fiancé, a white man and local police officer named Jimmy Fennell. Vaginal swabs collected from Stites' body revealed three intact spermatozoa. The DNA from that sample matched that of petitioner Rodney Reed, a black man, who initially denied knowing Stites but eventually admitted that they had been having an affair. The State later charged Reed with Stites' murder. Aside from the DNA match, the State found no other physical evidence implicating Reed.

At trial, much of the State's case centered on the estimated time of Stites' death and the estimated time during which the spermatozoa could have been deposited. Fennell—waiving a prior invocation of the Fifth Amendment—testified that he and Stites had watched television together on the evening of April 22 before going to sleep, and that Stites had left for work at her usual time around 3 a.m. on April 23. Using expert testimony, the State pinpointed her time of death at sometime around 3 a.m. or shortly thereafter on April 23. Another expert for the State testified that spermatozoa remains intact inside a vaginal tract for at most 26 hours, implying that the three spermatozoa found

on the vaginal swab at 11 p.m. on April 23 had been deposited no earlier than the night before. This evidence thus tended to inculpate Reed (by suggesting that he must have had sex with Stites very soon before her death) and exculpate Fennell (by indicating that Stites died after Fennell claimed to have seen her last). The jury convicted Reed of murder and sentenced him to death.

I

Strenuously maintaining his innocence, Reed has repeatedly sought habeas relief in Texas state courts over the last two decades.

In recent state habeas applications—his eighth and ninth overall—Reed came forward with evidence potentially exculpating him from the murder of Stites. Witnesses unrelated to Reed but known to Stites corroborated Reed's claim that he and Stites were in a clandestine relationship before her death. One of the State's key experts declared that his trial testimony regarding Stites' time of death "should not have been used at trial as an accurate statement of when Ms. Stites died." App. to Pet. for Cert 198a. Other experts reexamined the forensic evidence and concluded that Stites died not on the morning of April 23, but on the evening of April 22—when Fennell claimed to have been with her. As one expert put it, the way in which the blood had settled in Stites' body when police found her "ma[de] it medically and scientifically impossible" that Stites had died sometime around 3 a.m. on April 23, as the State had posited at trial. *Id.*, at 203a. Experts also refuted trial testimony that spermatozoa cannot remain intact within the vaginal tract for more than 26 hours. The scientific literature, they insisted, is pellucid that spermatozoa can remain intact for days. That so few were recovered intact, one expert averred, suggests that the spermatozoa had not been deposited recently. Finally, Curtis Davis—Fennell's friend and fellow police officer at the time of Stites' murder—testified that, shortly

after Stites was reported missing, Fennell conveyed an account of his whereabouts on April 22 that differed sharply from Fennell's trial testimony.

That considerable body of evidence formed the foundation of the claims in the instant petition for a writ of certiorari, which Reed filed in September 2019. Reed argued that the State violated *Brady* v. *Maryland*, 373 U. S. 83 (1963), by withholding Officer Davis' account, which materially conflicted with Fennell's account at trial. He also claimed that the State, in violation of the Due Process Clause, presented false scientific testimony about when Stites died and when the spermatozoa found on the vaginal swab had been deposited—both critical components of the State's theory of Reed's guilt. Finally, Reed asserted that he is actually innocent of killing Stites.

On November 11, 2019, while that petition for a writ of certiorari was pending before this Court, Reed filed in Texas trial court another state habeas application—his tenth overall. In it, Reed identified evidence that he discovered since the Texas courts denied his prior state habeas applications, including the eighth and ninth applications pending review in this Court.

The centerpiece of that newly discovered evidence was an alleged prison confession by Fennell to the murder of Stites. In 2008, Fennell was sentenced to 10 years' imprisonment for kidnaping and sexually assaulting a woman he had encountered while on police duty. For a period of time, Fennell was incarcerated in the same facility as a man named Arthur Snow, Jr., then affiliated with the Aryan Brotherhood. In a sworn affidavit signed late October 2019, Snow recounted a conversation in which Fennell said that his exfiancée "had been sleeping around with a black man behind his back." "Toward the end of the conversation," Snow attested, "[Fennell] said confidently, 'I had to kill my n***r-loving fiancé[e].' " Snow's "impression was that [Fennell] felt safe, even proud, sharing th[at] information with

[Snow] because [Snow] was a member of the Aryan Brotherhood." Plaintiff's Advisory Regarding Federal Habeas Fillings in *Reed* v. *Goertz*, No. 19–cv–00794 (WD Tex., Nov. 14, 2019), Doc. 29–2, p. 108.

Other newly discovered evidence highlighted in Reed's tenth state habeas application included multiple sworn accounts that, according to Reed, tend to inculpate Fennell for Stites' murder. Three were by Bastrop County police officers at the time of Stites' murder (none Officer Davis): One officer averred that, a month before the murder, Fennell told him that Stites was "f***ing a n***r." *Id.*, at 67. Another officer attested that at Stites' funeral, he witnessed Fennell say to Stites' body something along the lines of, "You got what you deserved." *Id.*, at 101. The third officer stated that Stites' colleagues told him that they would warn Stites when Fennell came to her workplace so that Stites could avoid Fennell. And still other individuals with no relation to Reed provided accounts that Stites and Fennell had a tumultuous, and seemingly violent, relationship just before Stites' death.

Based on that newly discovered evidence, Reed argued in his tenth state habeas application that the State violated *Brady* by withholding the three police-officer accounts of Fennell's allegedly suspicious behavior. Reed also contended that the State presented false testimony when Fennell testified at trial that he did not kill Stites: That testimony, Reed claimed, was belied by Fennell's confession to Snow. Finally, Reed reasserted his actual innocence. In doing so, Reed invoked not only the evidence newly presented in the tenth state habeas application but also all evidence of actual innocence raised in prior state habeas applications that the Texas courts denied.

On November 15, 2019—five days before Reed's scheduled execution date and while the instant petition for a writ of certiorari remained pending in this Court—the Texas Court of Criminal Appeals stayed Reed's execution. The

Court of Criminal Appeals concluded that Reed's *Brady*, false-testimony, and actual-innocence claims in the tenth state habeas application satisfied the state procedural requirements for going forward. It thus remanded those claims to the trial court for further development.

II

The Court today denies Reed's petition for a writ of certiorari arising from his eighth and ninth state habeas applications. But Reed's proceedings on his recently filed tenth application of course remain pending in the Texas courts. Texas, importantly, has recognized that the incarceration or execution of the actually innocent violates the Due Process Clause of the Fourteenth Amendment. See *Ex parte Elizondo*, 947 S. W. 2d 202, 204–205 (Tex. Crim. App. 1996); *State ex rel. Holmes* v. *Honorable Court of Appeals for Third Dist.*, 885 S. W. 2d 389, 397–398 (Tex. Crim. App. 1994). An innocence claim in Texas thus may serve as a freestanding, substantive basis for habeas relief, see *Elizondo*, 947 S. W. 2d, at 205, not merely a procedural gateway to reach an underlying claim for habeas relief. That means that the Texas courts will now consider on the merits—for the first time in Reed's decades-long effort to prove his innocence—whether Reed is indeed innocent of murdering Stacey Lee Stites.

It goes without saying that, should the Texas courts deny Reed relief in his tenth state habeas proceeding, today's decision to decline review in no way prejudices Reed's ability to seek review of that hypothetical future decision. So, too, does it go without saying that today's decision implies nothing about the merits of either the underlying eighth and ninth state applications or the tenth application pending in the Texas trial court (which, of course, rests on a different overall body of evidence). See *Maryland* v. *Baltimore Radio Show, Inc.*, 338 U. S. 912, 919 (1950) (Frankfurter, J., respecting denial of certiorari) ("[T]his Court has rigorously

insisted that . . . a denial [of a petition for a writ of certiorari] carries with it no implication whatever regarding the Court's views on the merits of a case which it has declined to review").

I assume, moreover, that in evaluating a claim of actual innocence as a substantive basis for habeas relief, habeas courts do not blind themselves to evidence of actual innocence presented in prior habeas applications. When confronted with actual-innocence claims asserted as a procedural gateway to reach underlying grounds for habeas relief, habeas courts consider all available evidence of innocence. *House* v. *Bell*, 547 U. S. 518, 537–538 (2006) (federal habeas courts evaluating gateway actual-innocence claims "must consider '"all the evidence,"' old and new, incriminating and exculpatory" (quoting *Schlup* v. *Delo*, 513 U. S. 298, 328 (1995))); *Ex parte Reed*, 271 S. W. 3d 698, 733–734 (Tex. Crim. App. 2008) (Texas habeas courts must do the same (citing *House*, 547 U. S., at 537–538)). That includes evidence "offered in . . . prior [habeas] applications." *Reed*, 271 S. W. 3d, at 734.

Presumably, the same principle informs a habeas court's evaluation of a substantive claim of actual innocence. If evidence of actual innocence presented in a habeas applicant's earlier habeas applications otherwise satisfies the requirements applicable to a substantive innocence claim, that evidence should not, in my view, be cast off merely because the applicant identified it for the first time in an earlier habeas application.

* * *

In the instant petition for a writ of certiorari, Reed has presented a substantial body of evidence that, if true, casts doubt on the veracity and scientific validity of the evidence on which Reed's conviction rests. Misgivings this ponderous should not be brushed aside even in the least conse-

quential of criminal cases; certainly they deserve sober consideration when a capital conviction and sentence hang in the balance. In the pending tenth state habeas proceeding, however, Reed has identified still more evidence that he says further demonstrates his innocence. It is no trivial moment that the Texas courts have concluded that Reed has presented a substantive claim of actual innocence warranting further consideration and development on the merits. While the Court today declines to review the instant petition, it of course does not pass on the merits of Reed's innocence or close the door to future review.

In my view, there is no escaping the pall of uncertainty over Reed's conviction. Nor is there any denying the irreversible consequence of setting that uncertainty aside. But I remain hopeful that available state processes will take care to ensure full and fair consideration of Reed's innocence—and will not allow the most permanent of consequences to weigh on the Nation's conscience while Reed's conviction remains so mired in doubt.

SUPREME COURT OF THE UNITED STATES

DARRELL PATTERSON *v.* WALGREEN CO.

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

No. 18–349. Decided February 24, 2020

The petition for a writ of certiorari is denied.

JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GORSUCH join, concurring in the denial of certiorari.

The petition in this case raises important questions about the meaning of Title VII's prohibition of employment discrimination "because of . . . religion." 78 Stat. 255, 42 U. S. C. §§2000e–2(a)(1) and (2). For this reason and because of the Government's responsibility to enforce Title VII, we asked for the views of the Solicitor General regarding review in this case, and the Solicitor General's response to our request is helpful.

I agree with the most important point made in that brief, namely, that we should reconsider the proposition, endorsed by the opinion in *Trans World Airlines, Inc.* v. *Hardison*, 432 U. S. 63, 84 (1977), that Title VII does not require an employer to make any accommodation for an employee's practice of religion if doing so would impose more than a *de minimis* burden. Title VII prohibits employment discrimination against an individual "because of such individual's . . . religion," §§2000e–2(a)(1) and (2), and the statute defines "religion" as "includ[ing] all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is *unable to reasonably accommodate* to an employee's or prospective employee's religious observance or practice *without undue hardship* on the conduct of the employer's business." §2000e(j) (emphasis

added). As the Solicitor General observes, *Hardison*'s reading does not represent the most likely interpretation of the statutory term "undue hardship"; the parties' briefs in *Hardison* did not focus on the meaning of that term; no party in that case advanced the *de minimis* position; and the Court did not explain the basis for this interpretation. See Brief for United States as *Amicus Curiae* 19–21. I thus agree with the Solicitor General that we should grant review in an appropriate case to consider whether *Hardison*'s interpretation should be overruled.*

The Solicitor General also agrees that two other issues raised in the petition are important, specifically, (1) whether Title VII may require an employer to provide a partial accommodation for an employee's religious practices even if a full accommodation would impose an undue hardship, and (2) whether an employer can show that an accommodation would impose an undue hardship based on speculative harm. But the Solicitor General does not interpret the decision below as turning on either of those questions. While I am less sure about this interpretation, I agree in the end that this case does not present a good vehicle for revisiting *Hardison*. I therefore concur in the denial of certiorari, but I reiterate that review of the *Hardison* issue should be undertaken when a petition in an appropriate case comes before us.

---

*In addition, as JUSTICE THOMAS has pointed out, *Hardison* did not apply the current form of Title VII, but instead an Equal Employment Opportunity Commission guideline that predated the 1972 amendments defining the term "religion." *EEOC* v. *Abercrombie & Fitch Stores, Inc.*, 575 U. S. 768, 787, n. (2015) (opinion concurring in part and dissenting in part).

SUPREME COURT OF THE UNITED STATES

ARIZONA *v.* CALIFORNIA

ON MOTION FOR LEAVE TO FILE A BILL OF COMPLAINT

No. 150, Orig. Decided February 24, 2020

The motion for leave to file a bill of complaint is denied.

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting from denial of motion for leave to file complaint.

Today the Court denies Arizona leave to file a complaint against California. Although we have discretion to decline review in other kinds of cases, see 28 U. S. C. §§1254(1), 1257(a), we likely do not have discretion to decline review in cases within our original jurisdiction that arise between two or more States.

The Constitution establishes our original jurisdiction in mandatory terms. Article III states that, "[i]n all Cases . . . in which a State shall be [a] Party, the supreme Court *shall* have original Jurisdiction." §2, cl. 2 (emphasis added). In this circumstance, "[w]e have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Cohens* v. *Virginia*, 6 Wheat. 264, 404 (1821) (Marshall, C. J., for the Court).

Our original jurisdiction in suits between two States is also "exclusive." §1251(a). As I have previously explained, "[i]f this Court does not exercise jurisdiction over a controversy between two States, then the complaining State has no judicial forum in which to seek relief." *Nebraska* v. *Colorado*, 577 U. S. ___, ___ (2016) (opinion dissenting from denial of motion for leave to file complaint) (slip op., at 2). Denying leave to file in a case between two or more States is thus not only textually suspect, but also inequitable.

The Court has provided scant justification for reading "shall" to mean "may." It has invoked its "increasing duties with the appellate docket," *Arizona* v. *New Mexico*, 425

U. S. 794, 797 (1976) (*per curiam*) (internal quotation marks omitted), and its "structur[e] . . . as an appellate tribunal," *Ohio* v. *Wyandotte Chemicals Corp.*, 401 U. S. 493, 498 (1971). But the Court has failed to provide any analysis of the Constitution's text to justify our discretionary approach.

Although I have applied this Court's precedents in the past, see *Wyoming* v. *Oklahoma*, 502 U. S. 437, 474, n. (1992) (dissenting opinion), I have since come to question those decisions, see *Nebraska*, *supra,* at ___ (dissenting opinion) (slip op., at 3). Arizona invites us to reconsider our discretionary approach, and I would do so. I respectfully dissent from the denial of leave to file a complaint.

SUPREME COURT OF THE UNITED STATES

HOWARD L. BALDWIN, ET UX. *v.* UNITED STATES

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

No. 19–402. Decided February 24, 2020

The petition for a writ of certiorari is denied.

JUSTICE THOMAS, dissenting from the denial of certiorari.

Under *Chevron* deference, courts generally must adopt an agency's interpretation of an ambiguous statute if that interpretation is "reasonable." *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837, 844 (1984). Usually, the agency interprets the statute before any court has considered the question. But sometimes, the agency advances an interpretation after a court has already weighed in. In the latter instance, we have held that it "follows from *Chevron*" that a court must abandon its previous interpretation in favor of the agency's interpretation unless the prior court decision holds that the statute is unambiguous. *National Cable & Telecommunications Assn.* v. *Brand X Internet Services*, 545 U. S. 967, 982 (2005).

This petition asks us to reconsider *Brand X*. In 1992, the Ninth Circuit interpreted a deadline for requesting a refund from the Internal Revenue Service (IRS). See *Anderson* v. *United States*, 966 F. 2d 487, 489 (interpreting 26 U. S. C. §7502). Nineteen years later—and two months after petitioners claim to have mailed their paperwork to the IRS—the Treasury Department adopted a different interpretation through an informal rulemaking. See 26 CFR § 301.7502–1(e)(2)(i) (2012). When petitioners sued the IRS to recover their refund, the Ninth Circuit followed *Brand X*, deferred to the agency's new interpretation, and rejected petitioners' claim. 921 F. 3d 836, 843 (2019).

Although I authored *Brand X*, "it is never too late to 'surrende[r] former views to a better considered position.'" *South Dakota* v. *Wayfair, Inc.*, 585 U. S. ___, ___ (2018) (THOMAS, J., concurring) (slip op., at 1) (quoting *McGrath* v. *Kristensen*, 340 U. S. 162, 178 (1950) (Jackson, J., concurring)). *Brand X* appears to be inconsistent with the Constitution, the Administrative Procedure Act (APA), and traditional tools of statutory interpretation. Because I would revisit *Brand X*, I respectfully dissent from the denial of certiorari.

I

My skepticism of *Brand X* begins at its foundation—*Chevron* deference. In 1984, a bare quorum of six Justices decided *Chevron*. The Court reasoned that "if [a] statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute." 467 U. S., at 843. The decision rests on the fiction that silent or ambiguous statutes are an implicit delegation from Congress to agencies. *Id.*, at 843–844. *Chevron* is in serious tension with the Constitution, the APA, and over 100 years of judicial decisions.[1]

A

Chevron compels judges to abdicate the judicial power without constitutional sanction. The Vesting Clause of Article III gives "[t]he judicial Power of the United States" to "one supreme Court, and . . . such inferior Courts as the Congress may from time to time ordain and establish." §1.

---

[1] As I have previously noted, *Chevron* arguably sets out an "interpretive too[l]" and so may not be entitled to *stare decisis* treatment. *Perez* v. *Mortgage Bankers Assn.*, 575 U. S. 92, 114, n. 1 (2015) (opinion concurring in judgment) (citing C. Nelson, Statutory Interpretation 701 (2011)). The same can be said of *National Cable & Telecommunications Assn.* v. *Brand X Internet Services*, 545 U. S. 967 (2005).

As I have previously explained, "the judicial power, as originally understood, requires a court to exercise its independent judgment in interpreting and expounding upon the laws." *Perez* v. *Mortgage Bankers Assn.*, 575 U. S. 92, 119 (2015) (opinion concurring in judgment). The Framers anticipated that legal texts would sometimes be ambiguous, and they understood the judicial power "to include the power to resolve these ambiguities over time" in judicial proceedings. *Ibid.* The Court's decision in *Chevron*, however, "precludes judges from exercising that judgment." *Michigan* v. *EPA*, 576 U. S. 743, ___ (2015) (THOMAS, J., concurring) (slip op., at 2) (quoting *Perez*, *supra*, at 119 (THOMAS, J., concurring in judgment)).

Chevron also gives federal agencies unconstitutional power. Executive agencies enjoy only "the executive Power." Art. II, §1. But when they receive *Chevron* deference, they arguably exercise "[t]he judicial Power of the United States," which is vested in the courts. *Chevron* cannot be salvaged by saying instead that agencies are "engaged in the 'formulation of policy.'" *Michigan*, *supra*, at ___ (THOMAS, J., concurring) (slip op., at 3) (quoting *Chevron*, *supra*, at 843). If that is true, then agencies are unconstitutionally exercising "legislative Powers" vested in Congress. See Art. I, §1.

This apparent abdication by the Judiciary and usurpation by the Executive is not a harmless transfer of power. The Constitution carefully imposes structural constraints on all three branches, and the exercise of power free of those accompanying restraints subverts the design of the Constitution's ratifiers. The Constitution shielded judges from both the "external threats" of politics and "the 'internal threat' of 'human will'" by providing tenure and salary protections during good behavior and by insulating judges from the process of writing the laws they are asked to interpret. *Perez*, *supra*, at 120 (THOMAS, J., concurring in judgment) (quoting P. Hamburger, Law and Judicial Duty 507, 508

(2008)). The Constitution also restricted the legislative power by dividing it between two Houses that check each other, one of which was kept close to the people through biennial elections. See *Department of Transportation* v. *Association of American Railroads*, 575 U. S. 43, 74 (2015) (THOMAS, J., concurring in judgment). When the Executive exercises judicial or legislative power, however, it does so largely free of these safeguards. The Executive is not insulated from external threats, and it is by definition an agent of will, not judgment. The Executive also faces election less frequently than do Members of the House, and its power is vested in a single person.

Perhaps worst of all, *Chevron* deference undermines the ability of the Judiciary to perform its checking function on the other branches. The Founders expected that the Federal Government's powers would remain separated—and the people's liberty secure—only if the branches could check each other. The Judiciary's checking power is its authority to apply the law in cases or controversies properly before it. See *Michigan*, *supra*, at ___, n. 1 (THOMAS, J., concurring) (slip op., at 4, n. 1); *Perez*, *supra*, at 124–126 (THOMAS, J., concurring in judgment). When the Executive is free to dictate the outcome of cases through erroneous interpretations, the courts cannot check the Executive by applying the correct interpretation of the law.

B

Chevron deference appears to be inappropriate in many cases for another reason: It is likely contrary to the APA, "which [*Chevron*] did not even bother to cite." *United States* v. *Mead Corp.*, 533 U. S. 218, 241 (2001) (Scalia, J., dissenting). The APA provides that, "[t]o the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action." 5 U. S. C. §706.

When the APA was enacted, the meaning of a statute was considered a question of law. The Court recognized as much in *Trust of Bingham* v. *Commissioner*, 325 U. S. 365 (1945), writing that questions about "the meaning of the words of [the statute]" were "questions of law," *id.*, at 371. See also Brown, Fact and Law in Judicial Review, 56 Harv. L. Rev. 899, 901 (1943); J. Thayer, Preliminary Treatise on Evidence at the Common Law 193 (1898). Moreover, §706 "places the court's duty to interpret statutes on an equal footing with its duty to interpret the Constitution, and courts never defer to agencies in reading the Constitution." Duffy, Administrative Common Law in Judicial Review, 77 Texas L. Rev. 113, 194 (1998). Finally, the deferential standards of review elsewhere in the APA—which require courts to "hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion . . . [or] unsupported by substantial evidence," §706(2)—do not mention statutory interpretation. See *id.*, at 194. Even if *Chevron* raised no constitutional concerns, these statutory arguments give rise to serious doubts about *Chevron*'s legitimacy.

C

In the past, I have left open the possibility that "there is some unique historical justification for deferring to federal agencies." *Michigan*, *supra*, at ___ (concurring opinion) (slip op., at 4). It now appears to me that there is no such special justification and that *Chevron* is inconsistent with accepted principles of statutory interpretation from the first century of the Republic.

For most of the 19th century, there was no general federal-question jurisdiction. Instead, review was available in a common-law action, under certain limited grants of federal-question jurisdiction, or by extraordinary writ (such as a writ of mandamus). Bamzai, The Origins of Judicial Deference to Executive Interpretation, 126 Yale L. J. 908,

948 (2017).

When 18th- and 19th-century courts decided questions of statutory interpretation in common-law actions or under federal-question jurisdiction, they did not apply anything resembling *Chevron* deference. Judges interpreted statutes according to their independent judgment. For example, in a lawsuit involving a federal land patent, the Court simply "inquire[d] whether the statute, rightly construed, defeated [the respondent's] otherwise perfect right to the patent." *Johnson* v. *Towsley*, 13 Wall. 72, 88 (1871); see also *id.*, at 91. When courts disagreed with the Executive's interpretation, they gave no weight to it. See *United States* v. *Dickson*, 15 Pet. 141, 161–162 (1841) (Story, J., for the Court).

Courts did apply traditional interpretive canons that accorded respect to certain contemporaneous, consistent interpretations of statutes by executive officers. See Bamzai, *supra*, at 933–947. In perhaps its most famous articulation, the Court wrote that "[i]n the construction of a doubtful and ambiguous law, the contemporaneous construction of those who were called upon to act under the law, and were appointed to carry its provisions into effect, is entitled to very great respect." *Edwards' Lessee* v. *Darby*, 12 Wheat. 206, 210 (1827). The Court continued to apply this approach throughout the 19th century. See, *e.g., United States* v. *State Bank of N. C.*, 6 Pet. 29, 39–40 (1832) ("[T]he construction which we have given to the terms of the ac[t] is that which is understood to have been practically acted upon by the government, as well as by individuals, ever since its enactment. . . . We think the practice was founded in the true exposition of the terms and intent of the act: but if it were susceptible of some doubt, so long an acquiescence in it would justify us in yielding to it as a safe and reasonable exposition"); *Surgett* v. *Lapice*, 8 How. 48, 68 (1850) (similar). And when the interpretation "has not been uniform,"

the Court declined to give weight to executive interpretations. See *Merritt* v. *Cameron*, 137 U. S. 542, 552 (1890).[2]

This practice is consistent with the more general principle of "liquidation," in which consistent and longstanding interpretations of an ambiguous text could fix its meaning. See *Stuart* v. *Laird*, 1 Cranch 299, 309 (1803) ("[I]t is sufficient to observe, that practice and acquiescence under [a statute] for a period of several years, commencing with the organization of the judicial system, affords an irrefutable answer, and has indeed fixed the construction"); see also *Respublica* v. *Roberts*, 2 Dall. 124, 125 (Pa. 1791); *Minnis* v. *Echols*, 12 Va. 31, 36 (1808) (opinion of Roane, J.); *Packard* v. *Richardson*, 17 Mass. 122, 144 (1821); Nelson, *Stare Decisis* and Demonstrably Erroneous Precedents, 87 Va. L. Rev. 1, 14–21 (2001). *Chevron* is not a species of liquidation because it "give[s] administrative agencies substantially more freedom to depart from settled understandings." Nelson, Originalism and Interpretive Conventions, 70 U. Chi. L. Rev. 519, 551–552, n. 137 (2003). But the existence of liquidation by nonexecutive actors confirms that "the pedigree and contemporaneity of the interpretation" mattered in the early Republic, not the mere fact that it was an interpretation by the Executive. Bamzai, *supra*, at 916.

The standard applied in mandamus cases might appear to be a forerunner of *Chevron* deference, but the comparison dissipates upon close examination. In mandamus cases, courts generally would not second-guess legal interpretations made "in the discharge of any official duty, partaking in any respect of an executive character," but they would "enforce the performance of a mere ministerial act." *Kendall* v. *United States ex rel. Stokes*, 12 Pet. 524, 610 (1838).

---

[2]The phrasing and substance of these canons vary, and I express no opinion on their details, such as whether congressional acquiescence in a longstanding interpretation was required. See P. Hamburger, Is Administrative Law Unlawful? 583, n. 24 (2014).

The "application of th[is] mandamus standard was a consequence solely of the form of relief requested," not a requirement that courts defer to the Executive's reasonable interpretation of a statute. Bamzai, 126 Yale L. J., at 958. The Court even acknowledged in mandamus cases that "[i]f a suit should come before this Court, which involved the construction of any of these laws, the Court certainly would not be bound to adopt the construction given by the head of a department." *Decatur* v. *Paulding*, 14 Pet. 497, 515 (1840); see also *United States ex rel. Dunlap* v. *Black*, 128 U. S. 40, 48–49 (1888).

The rule in *Chevron* thus differs from historical practice in at least four ways. First, it requires deference regardless of whether the interpretation began around the time of the statute's enactment (and thus might reflect the statute's original meaning). Second, it requires deference regardless of whether an agency has changed its position. Third, it requires deference regardless of whether the agency's interpretation has the sanction of long practice. And fourth, it applies in actions in which courts historically have interpreted statutes independently.

II

Even if *Chevron* deference were sound, I have become increasingly convinced that *Brand X* was still wrongly decided because it is even more inconsistent with the Constitution and traditional tools of statutory interpretation than *Chevron*.

A

By requiring courts to overrule their own precedent simply because an agency later adopts a different interpretation of a statute, *Brand X* likely conflicts with Article III of the Constitution. The Constitution imposes a duty on judges to exercise the judicial power. See *supra*, at 2. That power is to be exercised "for the purpose of giving effect to

the will of the Legislature; or, in other words, to the will of the law." *Osborn* v. *Bank of United States*, 9 Wheat. 738, 866 (1824) (Marshall, C. J., for the Court). But *Brand X* directs courts to give effect to the will of the Executive by depriving judges of the ability to follow their own precedent. This rule raises grave Article III concerns, no less than if it allowed judges to substitute their policy preferences for the original meaning of a statute.

The Article III duty to decide cases even when the Executive disagrees with the conclusion has long been recognized by this Court. In a statutory interpretation case in 1841, the Court acknowledged "the uniform construction given to the act . . . ever since its passage, by the Treasury Department," but stated that "if it is not in conformity to the true intendment and provisions of the law, it cannot be permitted to conclude the judgment of a Court of justice." *Dickson*, 15 Pet., at 161. Justice Story, writing for the Court, admonished that

> "it is not to be forgotten, that ours is a government of laws, and not of men; and that the Judicial Department has imposed upon it, by the Constitution, the solemn duty to interpret the laws, in the last resort; and however disagreeable that duty may be, in cases where its own judgment shall differ from that of other high functionaries, it is not at liberty to surrender, or to waive it." *Id.*, at 162.

Brand X is in serious tension with this understanding of Article III.

Brand X takes on the constitutional deficiencies of *Chevron* and exacerbates them. *Chevron* requires judges to surrender their independent judgment to the will of the Executive, see *supra*, at 3; *Brand X* forces them to do so despite a controlling precedent. *Chevron* transfers power to agencies, see *supra*, at 3; *Brand X* gives agencies the power to

effectively overrule judicial precedents. *Chevron* withdraws a crucial check on the Executive from the separation of powers, see *supra*, at 4; *Brand X* gives the Executive the ability to neutralize a previously exercised check by the Judiciary. But, with this said, there is no need to question *Chevron* in order to recognize the heightened constitutional harms wrought by *Brand X*.

B

Brand X also seems to be strongly at odds with traditional tools of statutory interpretation. As discussed above, early federal courts afforded weight to longstanding executive interpretations of a law that were made contemporaneously with its passage and that were uniformly maintained. See *supra*, at 5–8. *Brand X*, however, mandates deference to an executive interpretation that is neither contemporaneous nor settled.

Under traditional rules of statutory interpretation, this Court declined to give weight to late-arising or inconsistent statutory interpretations by the Executive. In *Merritt* v. *Cameron*, for example, the Court rejected an interpretation offered by the Executive because there was no "long and uninterrupted . . . departmental construction . . . as will bring the case within the rule announced at an early day in this court, and followed in very many cases." 137 U. S., at 552; see also *United States* v. *Alabama Great Southern R. Co.*, 142 U. S. 615, 621 (1892). Even if only to resolve the tension with our traditional approach to statutory interpretation, we should revisit *Brand X*.

III

Regrettably, *Brand X* has taken this Court to the precipice of administrative absolutism. Under its rule of deference, agencies are free to invent new (purported) interpretations of statutes and then require courts to reject their own prior interpretations. *Brand X* may well follow from

Chevron, but in so doing, it poignantly lays bare the flaws of our entire executive-deference jurisprudence. Even if the Court is not willing to question *Chevron* itself, at the very least, we should consider taking a step away from the abyss by revisiting *Brand X*.