

# Supreme Court Denies Request to Fast-Track Reciprocal Tariffs Case

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On Friday June 20, the U.S. Supreme Court denied a motion in an IEEPA / reciprocal tariff litigation case that sought to bypass the DC Circuit Court of Appeals and have the Supreme Court hear the case early.

So, for the time being, there will still be two different key IEEPA / reciprocal tariff appeals at the Circuit Court level, one in the Federal Circuit Court of Appeals and the other (a smaller scope case) in the DC Circuit.

It appears inevitable that both cases will be appealed to the U.S. Supreme Court later this year - and perhaps they will be consolidated at that point.

In the meantime, U.S. importers must continue to pay IEEPA / reciprocal tariffs while the cases move forward. (Remember, if the tariffs are found to be illegally imposed, there is a significant possibility of massive duty refunds).

Unless the administration extends the deadline, which is a distinct possibility, IEEPA/ reciprocal tariffs are scheduled to 'snap back' to originally announced high levels on July 9th (except that the China "snap back" date is in mid-August, and that process will be affected by the U.S. China negotiations).

A few countries (e.g. the UK) have made solid progress on bilateral tariff negotiations with the U.S., but there have not been many indicators that other countries have been able to cut deals with the administration to avoid the reimposition of higher tariff levels. Whether the administration will move tariff rates back to the original reciprocal tariff rates, to lower levels, or extend the July 9th deadline is an open question. The stock market reaction to the original imposition of high IEEPA / reciprocal tariffs may not be something the administration wants to trigger again. But the administration is also wary of the charge that its tariff policy has been inconsistent - that tariffs have been imposed and quickly lifted in certain cases. There does not seem to be an easy answer for that dilemma - given the difficulty and delays in reaching bilateral deals with the long list of countries initially targeted with high tariffs due to trade surpluses with the U.S. No one can be sure what comes next, but kicking the can down the road with an extension that will allow for the announcement of more tariff deals is likely under serious consideration as a middle path.