

(ORDER LIST: 592 U.S.)

MONDAY, FEBRUARY 22, 2021

**CERTIORARI -- SUMMARY DISPOSITIONS**

20-31 McCOY, PRINCE V. ALAMU, TAJUDEEN

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Taylor v. Riojas*, 592 U. S. \_\_\_\_ (2020) (*per curiam*).

20-683 WILKE, DIRK, ET AL. V. PCMA

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 Eighth Circuit for further consideration in light of *Rutledge v. Pharmaceutical Care Management Assn.*, 592 U. S. \_\_\_\_ (2020).

**ORDERS IN PENDING CASES**

20A63 TRUMP, DONALD J. V. VANCE, CYRUS R., ET AL.

The application for a stay presented to Justice Breyer and referred to the Court is denied.

20M50 SEIDMAN, LAWRENCE T. V. WEILER, FRANK D., ET AL.

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

20M51 THOMAS, BERNARD V. UNITED STATES

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

20M52 MARTINEZ, ANTHONY V. UNITED STATES

20M53 MARKOVIC, NENAD V. RAHAMAN, MOHAMED Z.

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

20M54 POLITES, CONSTANTINE V. CITY OF PHILADELPHIA LAW DEPT.

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

20M55 MITCHELL, DWIGHT D., ET AL. V. DAKOTA COUNTY SOC. SERV., ET AL.

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

20M56 ROBINSON, ALBERT R. V. KANDULSKI, ADAM, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time under Rule 14.5 is denied.

20M57 DOE CO. V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted. Justice Breyer took no part in the consideration or decision of this motion.

20M58 YAZDCHI, ALI V. WELLS FARGO BANK, N.A.

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

20-437 UNITED STATES V. PALOMAR-SANTIAGO, REFUGIO

The motion of respondent for appointment of counsel is granted, and Bradley N. Garcia, Esq., of Washington, D.C., is appointed to serve as counsel for respondent in this case. The motion of the petitioner to dispense with printing the joint appendix is granted.

20-444 UNITED STATES V. GARY, MICHAEL A.

The motion of respondent for appointment of counsel is granted, and Jeffrey L. Fisher, Esq., of Stanford, California, is appointed to serve as counsel for respondent.

20-493 YSLETA DEL SUR PUEBLO, ET AL. V. TEXAS

The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

20-5904 TERRY, TARAHRICK V. UNITED STATES

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

20-5974 SANDERS, QUORDALIS V. V. FOSTER, WARDEN

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied. Justice Barrett took no part in the consideration or decision of this motion.

20-6507 BERRY, DARRELL, ET UX. V. WELLS FARGO BANK, N.A., ET AL.

20-6602 BOUCHER, WAYNE V. LYONS, DEANNE

20-6604 GRANT, MARK T. V. ROANOKE, VA

20-6735 McCLUNG, FRANK A., ET UX. V. ESTEVEZ, ELIA E.

20-6899 HUDSON, CYNTHIA V. LUMPKIN, DIR., TX DCJ

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 15, 2021, within which to pay the docketing fees required by Rule 38(a).

**CERTIORARI GRANTED**

- 20-429 ) AMERICAN MEDICAL ASSN., ET AL. V. COCHRAN, SEC. OF H&HS, ET AL.
- 20-454 ) COCHRAN, SEC. OF H&HS, ET AL. V. MAYOR AND CITY COUNCIL BALTIMORE
- 20-539 ) OREGON, ET AL. V. COCHRAN, SEC. OF H&HS, ET AL.

The petitions for writs of certiorari are granted. The cases are consolidated, and a total of one hour is allotted for oral argument.

- 20-449 DEPT. OF HOMELAND SEC., ET AL. V. NEW YORK, ET AL.

The petition for a writ of certiorari is granted.

- 20-5279 WOODEN, WILLIAM D. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted limited to Question 2 presented by the petition.

**CERTIORARI DENIED**

- 20-48 JOHNSON, STACEY E. V. ARKANSAS
- 20-120 JUAREZ, ALFREDO V. COLORADO
- 20-186 RENDON, MIRNA V. V. WILKINSON, ATT'Y GEN.
- 20-261 SCHULZ, JEFF, ET AL. V. PRESBYTERY OF SEATTLE, ET AL.
- 20-294 GAINES, LAMONT K. V. UNITED STATES
- 20-321 BARNETTE, WALTER D. V. HBI, L.L.C., ET AL.
- 20-371 CARE ALTERNATIVES V. UNITED STATES, ET AL.
- 20-401 PIERSON, DEVAN V. UNITED STATES
- 20-475 CAMPBELL, STANLEY V. V. EAGLE FORCE HOLDINGS, ET AL.
- 20-478 CBX RESOURCES, L.L.C. V. ACE AMERICAN INSURANCE, ET AL.
- 20-499 HULL, NATHANIEL R. V. ROCKWELL, JEFFREY J.
- 20-534 ) ALL SAINTS' EPISCOPAL CHURCH V. DIOCESE OF FORT WORTH, ET AL.
- 20-536 ) THE EPISCOPAL CHURCH, ET AL. V. DIOCESE OF FORT WORTH, ET AL.
- 20-549 FARROW, JOHN, ET AL. V. CONTRA COSTA COUNTY, CA

20-564 CARLISLE, RODNEY V. KENTUCKY  
20-595 LEMMA, SHERIFF V. BARNETT, SEANA  
20-599 SINGH, HIRSH V. MURPHY, GOV. OF NJ  
20-602 CLIFFORD, STEPHANIE V. TRUMP, DONALD J.  
20-612 DE LA FUENTE, ROQUE, ET AL. V. SIMON, MN SEC. OF STATE  
20-622 AMAZON.COM, INC., ET AL. V. RITTMANN, BERNADEAN, ET AL.  
20-658 COHEN, SHERRI V. EQUIFAX INFORMATION, ET AL.  
20-660 EMPLOYER SOLUTIONS, ET AL. V. SCALIA, SEC. OF LABOR  
20-719 WEBSTER, DON A. V. USDC AK  
20-724 MIDDLETON, DONOVAN, ET AL. V. COMPLETE NUTRITION, ET AL.  
20-725 OCHOA, MICHAEL R. V. LEVINE, ARTHUR  
20-728 ADIDAS AG V. NIKE, INC.  
20-734 LLOYD, BRETT E. V. GERHARD, JOHN, ET AL.  
20-749 ROUX, KATHY V. PHARRIS, DENNIS, ET AL.  
20-752 DAVIS, GAVIN B. V. CALIFORNIA  
20-755 BIBEROVIC, KENAN V. CULVER CITY, CA, ET AL.  
20-756 BAYLOR, CHRISTOPHER G. V. ETO, AYANO  
20-758 REYNOLDS, AUDIE J. V. U.S. BANK NAT. ASSN.  
20-759 BING, ROBEL V. BRIVO SYSTEMS, LLC  
20-766 ARCHER, DAVID V. WINN DIXIE STORES, INC., ET AL.  
20-769 GS CLEANTECH CORP, ET AL. V. ADKINS ENERGY LLC, ET AL.  
20-770 NYPL, JOHN V. JPMORGAN CHASE & CO., ET AL.  
20-771 DEBERA P. V. ME DEPT. OF HEALTH  
20-775 WILLIAMS, CLIFFORD V. LOUISIANA  
20-781 U.S., EX REL. CSILO, ET AL. V. J.C. REMODELING, INC., ET AL.  
20-785 BALDWIN, EBONI N. V. DORSEY, LATOISHA  
20-787 PRESERVE SHORELINE, ET AL. V. BAINBRIDGE ISLAND, WA, ET AL.  
20-789 DIKES, REBECCA V. UNITED STATES

20-792 PEARSON, MELINDA B. V. AUGUSTA, GA, ET AL.  
20-797 PATTI, LEONARD V. PECK, GEORGE C.  
20-799 WOOD, L. LIN V. RAFFENSPERGER, BRAD, ET AL.  
20-801 DeLUCIA, FRANK V. GREENBUILD, LLC, ET AL.  
20-802 KURSCHINSKE, VIRGINIA A. V. PENNSYLVANIA  
20-803 LANGAN, MORGAN J. V. UNITED STATES  
20-805 ROLLINSNELSON LTC CORP., ET AL. V. U.S., EX REL. WINTERS  
20-806 SWARTZLANDER, MARY V. UNITED STATES  
20-809 WARD, KELLI V. JACKSON, CONSTANCE, ET AL.  
20-811 CONTRERAS, KATHY V. DONA ANA COUNTY BOARD, ET AL.  
20-813 SIMMONS, JAMES V. UBS FINANCIAL SERV., INC.  
20-814 NALDER, JAMES, ET AL. V. UNITED AUTOMOBILE INSURANCE CO.  
20-817 OGDEN, LOUIS R. V. TICE, SUPT., SOMERFIELD, ET AL.  
20-818 NORVELL, BRUCE A. V. YELLEN, SEC. OF TREASURY  
20-820 JACKSON, DENISE V. WELLS FARGO HOME MORTGAGE  
20-821 MOUNTAINLANDS CONSERVANCY, LLC V. CALIFORNIA COASTAL COMM'N  
20-822 PHILLIPS, SOLON V. MD BD. OF LAW EXAMINERS, ET AL.  
20-823 CRIDER, ROBERT L. V. TEXAS  
20-824 TAUPIER, EDWARD F. V. CONNECTICUT  
20-825 BREWER, CHRISTOPHER V. HOOKS, TERESA, ET AL.  
20-829 WASTECARE CORP. V. HARMONY ENTERPRISES, INC.  
20-833 COONTZ, WILLIAM T. V. UNITED STATES  
20-834 WIDTFELDT, JAMES A. V. UNITED STATES  
20-835 ROSENFELD, WARREN V. UNITED STATES  
20-838 BLANDINO, KIM V. NEVADA, ET AL.  
20-841 MARTINEZ LOPEZ, ELIBER U. V. WILKINSON, ACTING ATT'Y GEN.  
20-847 POWERS, BILLIE V. BANK OF NEW YORK MELLON, ET AL.  
20-852 GRAY, SHAQUERE M., ET AL. V. AL GREAT SOUTHERN RAILROAD CO.

20-862 FENG, HUI, ET AL. V. SEC  
20-863 AKEVA L.L.C. V. NIKE, INC., ET AL.  
20-867 AHMED, SHALINI V. UNITED STATES  
20-868 FOXFIELD VILLA ASSOC., ET AL. V. ROBBEN, PAUL, ET AL.  
20-870 OREM, JOHN W., ET UX. V. GILLMORE, MATTHEW, ET AL.  
20-876 LIBERTI, JEANINE, ET VIR V. SCOTTSDALE, AZ, ET AL.  
20-878 EDWARDS, MICHAEL V. INDIANA UNIVERSITY  
20-882 TRUMP, DONALD J., ET AL. V. BIDEN, JOSEPH R., ET AL.  
20-890 STANFORD VINA RANCH IRRIGATION V. CALIFORNIA, ET AL.  
20-893 BELANUS, DUANE R. V. GUYER, WARDEN  
20-897 KOPITKE, KYLE V. BELL, KAREN B.  
20-898 SHERROD, CONEISHA L. V. UNITED WAY WORLDWIDE  
20-899 SORUM, PAUL, ET AL. V. NORTH DAKOTA, ET AL  
20-901 SPRING BRANCH INDEPENDENT SCHOOL V. O. W.  
20-903 FIRST CHOICE CHIROPRACTIC V. DeWINE, GOV. OF OH, ET AL.  
20-906 HORNE, THOMAS C., ET AL. V. POLK, SHEILA S.  
20-912 LADD, ABIGAIL, ET AL. V. MARCHBANKS, JACK  
20-917 800 SERVICES, INC. V. AT&T CORP.  
20-921 CASTILLO, BRAULIO M. V. VIRGINIA  
20-924 BOWSER, DAVID G. V. UNITED STATES  
20-926 BELANUS, DUANE R. V. MONTANA  
20-930 GEPPERT, KARL V. MD MVA  
20-934 SAMARANAYAKE, HARITHA, ET AL. V. IANCU, ANDREI  
20-946 DIERLAM, JOHN J. V. BIDEN, PRESIDENT OF U.S., ET AL.  
20-947 ID STATE TAX COMM'N V. NOELL INDUSTRIES, INC.  
20-957 VAZIRABADI, ALIREZA V. DENVER PUBLIC SCHOOLS, ET AL.  
20-958 SCOTT, RICKEY L. V. ARNOLD, WARDEN  
20-961 RYSKAMP, JOHN H. V. CIR

20-964 TULIP, ORIEN L. V. ED. COMM'N FOR GRADUATES, ET AL.  
20-967 RODRIGUEZ-GARCIA, PEDRO V. UNITED STATES  
20-970 GONZALEZ, JUVENAL V. WILKINSON, ACTING ATT'Y GEN.  
20-978 METAXAS, POPPI V. UNITED STATES  
20-981 AGBAPURUONWU, FIDELIS V. NBC SUBSIDIARY, LLC, ET AL.  
20-986 HUBBARD, MICHAEL G. V. ALABAMA  
20-1003 CHRISTY, INC. V. UNITED STATES  
20-1028 BLIXSETH, TIMOTHY L. V. CREDIT SUISSE  
20-1032 PETROBRAS AMERICA INC., ET AL. V. VANTAGE DEEPWATER CO., ET AL.  
20-1045 LIEBENGUTH, DAVID G. V. CONNECTICUT  
20-5085 JOHNSON, JOE E. V. CALIFORNIA  
20-5304 WILLIAMS, STEPHON V. UNITED STATES  
20-5589 ROSS, WALI V. UNITED STATES  
20-5598 RICHARDSON, GARY V. COLORADO  
20-5610 BROWN, ERIC J. V. LOUISIANA  
20-5672 TURPIN, DAVID K. V. UNITED STATES  
20-5718 TRICE, RAHEIM A. V. UNITED STATES  
20-5764 BERRYMAN, RODNEY V. WONG, WARDEN  
20-5774 MANZANARES, ARCHIE V. UNITED STATES  
20-5776 AUGARD, JOEL T. V. UNITED STATES  
20-5993 JAMES, KEITH A. V. UNITED STATES  
20-6038 WHITAKER, DARIUS C. V. UNITED STATES  
20-6043 ARCHER, ROBIN L. V. FLORIDA  
20-6046 MCGINNIS, ERIC G. V. UNITED STATES  
20-6093 ABUTALEB, HANY S. V. ABUTALEB, MONA M.  
20-6161 BRUNSON, JOEY L. V. UNITED STATES  
20-6218 VALENTINE, TERANCE V. FLORIDA  
20-6272 USHER, DOMONIC D. V. UNITED STATES



20-6283 BROWNLEE, ROBERT V. CAPOZZA, SUPT., FAYETTE

20-6310 CARTER, DEAN P. V. BROOMFIELD, ACTING WARDEN

20-6323 THOMAS, LAMONT A. V. UNITED STATES

20-6351 TIPPINS, JOHNNY V. CARUSO, PATRICIA, ET AL.

20-6383 McFADDEN, VINCENT V. MISSOURI

20-6429 HOWELL, JOHN L. V. GORDON, ARATA, McCOLLAM, ET AL.

20-6430 HOWELL, JOHN L. V. GORDON, ARATA, McCOLLAM, ET AL.

20-6431 ) HOWELL, JOHN L. V. ADLER, DAVID, ET AL.

20-6432 ) LaMARTINA, ELISE V. ADLER, DAVID, ET AL.

20-6443 MYERS, SCOTT V. ROWELL, PATROLMAN, ET AL.

20-6444 FUSTON, RONNIE E. V. OKLAHOMA

20-6477 ARDANEH, HAMID R. V. MASSACHUSETTS

20-6493 UPPAL, NEELAM V. NATIONSTAR MORTGAGE, LLC

20-6497 BRIDGES, ANDREY V. GRAY, WARDEN

20-6499 SIGLER, ROBERT T. V. THORNTON, JIMMY, ET AL.

20-6501 RILEY, SHANNON V. MEEHAN, CARRIE K.

20-6505 BIGBEE, ROOSEVELT V. FITZ, WARDEN

20-6512 LEWIS, DAVEY V. FLORIDA

20-6514 WEATHERHOLT, JIMMY R. V. VIRGINIA

20-6518 MILAM, BLAINE V. TEXAS

20-6522 PENDLETON, RICKY V. V. HAMRICK, TERRY C., ET AL.

20-6524 MYERS, JOSHUA D. V. GEORGIA

20-6525 ARANOFF, GERALD V. ARANOFF, SUSAN

20-6528 WASHINGTON, ECCLESIASTICAL D. V. BROOKE, BENJAMIN, ET AL.

20-6532 SANCHEZ, FERNANDO V. CALIFORNIA

20-6534 SCOTT, DEVERICK V. GRIFFIN, RORY, ET AL.

20-6537 ROUHI, TAMARA V. CVS PHARMACY, ET AL.

20-6538 SCHMITT, GABRIEL V. BAKER, GOV. OF MA

20-6542 PEW, ALPHONSO P. V. WETZEL, SEC., PA DOC, ET AL.  
20-6544 OVERTON, RANDALL S. V. MACAULEY, WARDEN  
20-6546 NIMMER, JOHN C. V. HEAVICAN, MICHAEL G., ET AL.  
20-6547 McNEES, DAVID F. V. MICHIGAN  
20-6549 MOSS, EVATRUS D. V. LUMPKIN, DIR., TX DCJ  
20-6550 NEWKIRK, KENNETH H. V. KISER, WARDEN, ET AL.  
20-6558 BAMBERG, SONYA V. GEORGIA  
20-6561 RODRIGUEZ, JESUS N. V. MOODY, ATT'Y GEN. OF FL, ET AL.  
20-6564 SCOTT, ERIC B. V. SINGLETON, WARDEN  
20-6565 QUINN, SIMON V. LOUISIANA  
20-6573 KEYES, ELLIS V. WILSON, MATT, ET AL.  
20-6579 O'NEIL, AIMEE V. WELD COUNTY, CO  
20-6592 GOMEZ, EDGAR V. MADDEN, WARDEN  
20-6593 MACLEOD, DUSTIN L. V. MORITZ, WILLIAM, ET AL.  
20-6595 BROCKINGTON, CLARA L. V. SALEM UNITED CHURCH, ET AL.  
20-6598 BAKER, STEPHEN F. V. CAPOZZA, SUPT., FAYETTE, ET AL.  
20-6605 MAYO, DEMONDRAY D. V. RUSSELL, PERRY, ET AL.  
20-6607 MILES, KUSHAWN S. V. IONIA CORR. FACILITY, ET AL.  
20-6608 PATTEN, ZACHARY M. V. MICHIGAN  
20-6611 MULLANEY, JOHN P. V. UNIVERSITY OF ST. THOMAS  
20-6612 PATTERSON, PATRICIA T. V. SAUL, ANDREW M.  
20-6614 JARVIS, DEREK V. LEGGETT, ISIAH, ET AL.  
20-6615 McHENRY, CORNELL V. TEXAS, ET AL.  
20-6620 SPENGLER, MICHAEL R. V. LOS ANGELES CTY. DIST. ATT'Y  
20-6621 SMITH, SHAUNA V. BENTON, WARDEN  
20-6623 PIN, RAYMOND V. CLARKE, DIR., VA DOC  
20-6624 AGUILERA, AARON M. V. CALIFORNIA  
20-6625 WHIPPLE, SHANE Q. V. JOHNSON, MICHAEL, ET AL.

20-6627 JENKINS, CLARENCE B. V. SC DEPT. OF EMPLOYMENT, ET AL.

20-6629 DOE, JANE V. CARSON, SEC. OF HUD, ET AL.

20-6631 REDMOND, AARON S. V. UNITED STATES

20-6633 VARGAS, EDUARDO D. V. CALIFORNIA

20-6636 TRINH, LAN TU V. CITIZEN BUSINESS BANKING, ET AL.

20-6639 AURIT, TODD A. V. COLORADO

20-6643 McCRAY, ADRIAN V. LEWIS, WARDEN, ET AL.

20-6644 RENTERIA, DAVID S. V. LUMPKIN, DIR., TX DCJ

20-6645 CERVANTES, JOE V. SHINN, DIR., AZ DOC, ET AL.

20-6646 CROCE, MARCIA V. CROCE, LORIN A.

20-6649 EL MUJADDID, EL AEMER V. BREWER, ANDREW, ET AL.

20-6650 SUMNER, GREGORY S. V. CARTER, BRETT, ET AL.

20-6652 STEPHENSON, REX D. V. KELLY, SUPT., OR

20-6653 ROEDER, SCOTT P. V. KANSAS

20-6654 ROMERO, GABINO V. MADDEN, WARDEN

20-6658 BROWN, MICHAEL B. V. LUMPKIN, DIR., TX DCJ

20-6659 ASHLEY, EDDIE V. CALIFORNIA, ET AL.

20-6661 FIGGE, BRIAN K. V. FRAUENHEIM, WARDEN

20-6663 BROWNLEE, BENJAMIN J. V. NEW YORK

20-6667 DOUGLAS, RONALD V. SCHMITT, ATT'Y GEN. MO, ET AL.

20-6669 ZELLNER, BRIAN V. GEORGIA

20-6670 TAYLOR, JANICE S. V. UNITED STATES

20-6672 COLEMAN, ADAM L. V. EPHRAIM McDOWELL MEDICAL

20-6675 CAVITTE, AUGUSTINE L. V. NEBRASKA

20-6676 DANIELS, HERNANDEZ V. FLORIDA

20-6678 DAVIS, LARRY D. V. PAYNE, DIR., AR DOC

20-6680 TAYLOR, DARRYL V. BUCHANAN, WARDEN

20-6681 WRIGHT, ROBERT V. GA DOC, ET AL.

20-6682 VURIMINDI, VAMSIDHAR R. V. WELLS FARGO BANK, N.A.  
20-6685 REDDITT, PETER T. V. UNITED STATES  
20-6686 STEWART, BENJAMON R, V. LUMPKIN, DIR., TX DCJ  
20-6687 JONAS, WILLIAM J. V. UNITED STATES  
20-6689 KWONG, MATTHEW J. V. CHESWOLD, LLC, ET AL.  
20-6691 ARMENTA LOPEZ, CESAR V. UNITED STATES  
20-6692 LOPEZ-CANALES, JUAN M. V. UNITED STATES  
20-6694 FLORES-RIOJAS, GERARDO V. UNITED STATES  
20-6695 MASSEY, LORI A. V. MULTICARE HEALTH SYSTEM, ET AL.  
20-6697 O'NEIL, DAMON V. UNITED STATES  
20-6698 MORRISON, RICHARD H. V. FLORIDA  
20-6699 PINEDA-RODRIGUEZ, JUAN D. V. UNITED STATES  
20-6700 CALABRESE, MELISSA V. CALIFORNIA, ET AL.  
20-6701 PEDRAZA, BENJAMIN V. OHIO  
20-6702 MORENO-TURRUBIATES, TOMAS V. UNITED STATES  
20-6703 DARDEN, ROBERTO A. V. UNITED STATES  
20-6704 CALDERON, AGUSTIN V. TEXAS  
20-6706 DEGOLLADO, ROBERTO V. TEXAS  
20-6707 PETERSON, CARY L. V. UNITED STATES  
20-6708 DECLOUES, TONY V. VANNOY, WARDEN  
20-6709 HUNDLEY, LANCE V. OHIO  
20-6710 IRON CROW, MARLON V. UNITED STATES  
20-6712 LEAKE, JOHN E. V. SOCIAL SECURITY ADMINISTRATION  
20-6713 JONES, DANIELLE D. V. UNITED STATES  
20-6715 MANKIN, MICHAEL A. V. UNITED STATES  
20-6716 MARTIN, MACK C. V. SHINN, DIR., AZ DOC  
20-6720 HARPER, TEREK V. UNITED STATES  
20-6721 BOOTH, MONWELL D. V. UNITED STATES

20-6722 POINDEXTER, EDDIE A. V. PAYNE, DIR., AR DOC  
20-6723 DUCKSWORTH, AKANDO V. MACMURDO, HAL, ET AL.  
20-6725 DURANT, LARRY V. SOUTH CAROLINA  
20-6726 BETANCES, JAMIE V. UNITED STATES  
20-6727 AVALOS, SERGIO V. UNITED STATES  
20-6728 ADAMS, JARVIS O. V. GA OFFICE OF THE GOVERNOR  
20-6730 CORRALL, JOSE L. V. UNITED STATES  
20-6732 FORTY-FEBRES, ADAMS J. V. UNITED STATES  
20-6733 FERGUSON, JOHN C. V. UNITED STATES  
20-6734 MOBASSERI, JOHN S. V. UNITED STATES  
20-6736 DIAZ, SALVADOR V. UNITED STATES  
20-6737 PEREZ, CHRISTIAN A. V. UNITED STATES  
20-6738 COFFMAN, LISA Y. V. UNITED STATES  
20-6739 MILLER, LARUN E. V. UNITED STATES  
20-6740 PEAK, DARNELL L. V. PENNSYLVANIA  
20-6741 McDANIELS, PETER J. V. PREITO, KATHLEEN, ET AL.  
20-6744 ELLIS, SINCLAIR V. UNITED STATES  
20-6747 CLINTON, GREGORY K. V. UNITED STATES  
20-6748 DAVID, EDWARD V. ITUARTE, ELOY, ET AL.  
20-6752 TINOCO-GARCIA, JUAN V. UNITED STATES  
20-6753 WINN, ANDRE M. V. UNITED STATES  
20-6755 TOVAR-REGALADO, ALEJANDRO V. UNITED STATES  
20-6757 THOMPSON, PHILLIP J. V. UNITED STATES  
20-6759 WEITERS, BERNARD V. UNITED STATES  
20-6761 WELLS, WAYNE V. WALLACE, WARDEN  
20-6763 MATHIS, ARNOLD M. V. VIZCARRONDO, ZULAIKA Z.  
20-6766 VILLALONA, STEVEN J. V. UNITED STATES  
20-6768 WATSON, QUENTIN V. VANNOY, WARDEN

20-6770 TREMINIO-TOBAR, LELIS E. V. UNITED STATES  
20-6771 SOTO-PEGUERO, ORISTEL V. UNITED STATES  
20-6774 SNODDY, CRAIG B. V. UNITED STATES  
20-6776 BECTON, CHAROD V. UNITED STATES  
20-6777 BAXTON, JAMES V. UNITED STATES  
20-6778 ANDERSON, RICHARD V. UNITED STATES  
20-6782 GUADRON-RODRIGUEZ, JUAN C. V. UNITED STATES  
20-6783 HARRIS, JAELO D. V. UNITED STATES  
20-6784 HUSSEIN, ABDISALAN A. V. UNITED STATES  
20-6787 PRYOR, MATTHEW L. V. UNITED STATES  
20-6789 OLMEDO-PEREZ, LILIA A. V. UNITED STATES  
20-6792 MIER-GARCES, EDGAR R. V. UNITED STATES  
20-6795 RICHARDS, ALICIA M. V. RICHARDS, RYAL W.  
20-6796 SANCHEZ, SIMON A. V. INCH, SEC., FL DOC, ET AL.  
20-6801 PALACIO, MAURO C. V. SULLIVAN, B.  
20-6803 LINDSEY, DOMINIC V. UNITED STATES  
20-6804 COMETA, STEPHEN V. UNITED STATES  
20-6809 WOOD, ANTHONY L. V. UNITED STATES  
20-6813 DIAZ, MANUEL V. UNITED STATES  
20-6816 RODRIGUEZ, EDWARD G. V. FILSON, WARDEN, ET AL.  
20-6817 QUINN, JERRY L. V. UNITED STATES  
20-6820 LAWSON, ELJAROD V. CALIFORNIA  
20-6823 BUTTERY, ROBERT V. OHIO  
20-6827 MAJID, ABDUL V. UNITED STATES  
20-6829 BUTTERCASE, JOSEPH J. V. NEBRASKA  
20-6831 GARCIA, DAVID V. UNITED STATES  
20-6838 NSINANO, JASON S. V. WILKINSON, ACTING ATT'Y GEN.  
20-6839 TOWNSEND, HENRY A. V. TAYLOR, SUPT., EASTERN OR

20-6842 D'ONOFRIO, CHRISTINE V. COSTCO WHOLESALE CORP.  
20-6844 TORRES, JOSE A. V. UNITED STATES  
20-6850 WEEMS, RONALD E. V. ALABAMA  
20-6854 BAZAN, JOSE A. V. UNITED STATES  
20-6856 ODEN, LAVON V. TURNER, WARDEN  
20-6857 PINA, LUIS V. UNITED STATES  
20-6859 SWAN, JONATHON R. V. UNITED STATES  
20-6861 SANDERS, JUSTIN L. V. UNITED STATES  
20-6863 FINDLEY, TOMMY V. UNITED STATES  
20-6864 HILL, BRIAN D. V. UNITED STATES  
20-6867 ROMERO-ESPINAL, NOEL V. UNITED STATES  
20-6869 RADFORD, TAVARIUS D V. ILLINOIS  
20-6870 HARRIS, ANTONIO V. UNITED STATES  
20-6873 HARRELL, JOSHUA V. CALIFORNIA  
20-6878 CURRAN, EDWARD J. V. UNITED STATES  
20-6880 ESQUIVEL, VICTOR V. UNITED STATES  
20-6883 GARNER, CHRISTOPHER B. V. UNITED STATES  
20-6884 ANDRADE-SALAS, LUIS A. V. UNITED STATES  
20-6885 VOGEL, DAVID A. V. UNITED STATES  
20-6888 PANDEY, CHRISTINA E. V. UNITED STATES  
20-6889 BARTUNEK, GREGORY V. UNITED STATES  
20-6895 BRENNERMAN, RAHEEM J. V. UNITED STATES  
20-6903 VILLA, FRANCISCO V. UNITED STATES  
20-6909 GALE, BRIAN V. UNITED STATES  
20-6911 ALFARO-GRANADOS, DIMAS V. UNITED STATES  
20-6915 PETERSON, SCOTT L. V. CALIFORNIA  
20-6916 PATTERSON, STEPHEN M. V. UNITED STATES  
20-6917 McAFEE, FRANK V. UNITED STATES

20-6918 MOSELEY, RICHARD V. UNITED STATES  
20-6920 MOFFITT, SEAN V. UNITED STATES  
20-6921 MARQUEZ-GONZALEZ, ELIER I. V. UNITED STATES  
20-6925 IRAHETA, LEONIDAS, ET AL. V. UNITED STATES  
20-6926 HERNANDEZ, NESTOR A. V. CALIFORNIA  
20-6927 FREENEY, ANTHONY V. UNITED STATES  
20-6928 IVEY, TIMOTHY V. UNITED STATES  
20-6930 LOPEZ-SANCHEZ, MARCO A. V. UNITED STATES  
20-6931 LANDRENEAU, CHRISTOPHER S. V. UNITED STATES  
20-6932 JAMAICA-HERNANDEZ, JORGE A. V. UNITED STATES  
20-6933 MARTINEZ, SELEDONIO V. UNITED STATES  
20-6936 TUCKER, SCOTT V. UNITED STATES  
20-6941 DODGE, FRANK J. V. UNITED STATES  
20-6942 CAMARENA, JUAN J. V. UNITED STATES  
20-6943 COLEMAN, RONALD L. V. UNITED STATES  
20-6944 ZAVALA-MARTI, JOSE M. V. UNITED STATES  
20-6954 GAMEZ-CASTANEDA, BRENDA Y. V. UNITED STATES  
20-6958 PAULINO, LUIS C. V. GRIFFIN, SUPT., GREEN HAVEN  
20-6960 McMICHAELS, DeANDRE V. ILLINOIS  
20-6961 PFOFF, CHRISTOPHER S. V. UNITED STATES  
20-6962 HERRERA-FUENTES, MISAEL V. UNITED STATES  
20-6969 USRY, BARTO E. V. UNITED STATES  
20-6971 MARTINEZ, JASON A. V. UNITED STATES  
20-6973 FANNIN, TOMMY D. V. UNITED STATES  
20-6976 DOCTOR, TIMOTHY T. V. UNITED STATES  
20-6977 DORMAN, JOSHUA R. V. UNITED STATES  
20-6978 CASTRO, CHAKA L. V. UNITED STATES  
20-6979 WEBB, EDDIE C. V. UNITED STATES



20-6980 WEST, MICHAEL R. V. UNITED STATES

20-6989 SIMS, RODNEY L. V. SEIBEL, WARDEN

The petitions for writs of certiorari are denied.

20-477 DAY, SHANIKA, ET AL. V. WOOTEN, FRANKLIN, ET AL.

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

20-565 MATTHEWS, GEORGE, ET UX. V. BECKER, ANDREW J., ET AL.

The motion of respondents for damages and costs pursuant to Rule 42.2 is denied. The petition for a writ of certiorari is denied.

20-634 ROBINSON, FELICIA V. WEBSTER COUNTY, MS, ET AL.

The motion of Network for Victim Recovery of DC for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-810 KELLY, MIKE, ET AL. V. PENNSYLVANIA, ET AL.

The motion of 28 Current Members of the House of Representatives for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

20-815 KING, TIMOTHY, ET AL. V. WHITMER, GOV. OF MI, ET AL.

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

20-845 DONALD J. TRUMP FOR PRESIDENT V. DEGRAFFENREID, ACTING SEC. OF PA, ET AL.

The motion of Constitutional Attorneys for leave to file a brief as *amici curiae* is granted. The motion of Republican Party of Pennsylvania for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-913 WILBORN, JOSEPH V. JONES, ACTING WARDEN

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

20-6506 BUXTON, ANDY V. DOUGHERTY, IVA C., 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.

20-6531 RUIZ, ROGELIO M. V. BAUGHMAN, WARDEN

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

20-6560 FEREBEE, LORENZO G. V. STAPLETON, KAREN, ET AL.

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

20-6574 MARTIN, KEVIN L. V. LEDFORD, ASHLYNN

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

20-6578 WHITE, RICKEY V. LUMPKIN, JUDGE, ETC., 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)*.

20-6642 DUNIGAN, KEVIN W. V. CA DOC, ET AL.

20-6651 SEPEHRY-FARD, FAREED V. COURT OF APPEAL OF CA, 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.

20-6800 MILLER, HARRY V. UNITED STATES

20-6893 WALLACE, PATRICK V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Barrett took no part in the consideration or decision of these petitions.

#### **HABEAS CORPUS DENIED**

20-6897 IN RE LEE C. BRADFORD

20-6952 IN RE RUSSELL A. PELLETIER

20-6994 IN RE KHAYREE SMITH

The petitions for writs of habeas corpus are denied.

#### **MANDAMUS DENIED**

20-777 IN RE DARREN HEYMAN

20-798 IN RE LEONARD PATTI

20-5876 IN RE PAULA I. KELLER

20-6617 IN RE THERESA ROMAIN

20-6750 IN RE MARK MARVIN

The petitions for writs of mandamus are denied.

20-6603 IN RE ANTONIO AKEL

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of mandamus is dismissed. See Rule 39.8. Justice Kagan took no part in the consideration or decision of this motion and this petition.

**REHEARINGS DENIED**

19-8498 DIGGS, WINNIE V. GALLUCCI, NEIL  
19-8771 RISENHOOVER, MICHAEL A. V. MUNIZ, WARDEN  
20-267 BRAUNSTEIN, SEAN V. BRAUNSTEIN, JERICKA  
20-337 LYNN, ROSEMARY ANN V. BROWN, ANDREW, ET AL.  
20-458 BROWN, MICHAEL B. V. DEPT. OF LABOR  
20-505 RUTTKAMP, SHLOMIT V. BANK OF NEW YORK MELLON  
20-606 DREVALEVA, TATYANA E. V. CA DEPT. OF INDUS. RELATIONS  
20-608 DREVALEVA, TATYANA E. V. CA DEPT. OF INDUS. RELATIONS  
20-613 COULTAS, LYLE M. V. TICHENOR, CARROLL, ET AL.  
20-618 ROUTTEN, KELLY G. V. ROUTTEN, JOHN T.  
20-629 IN RE JAMES BEGGS, ET UX.  
20-5193 McWHORTER, MOLLEE M. V. UNITED STATES  
20-5316 SMITH, TYRONE V. INCH, SEC., FL DOC, ET AL.  
20-5399 LATIMER, ANTHONY L. V. JONES, BEN, ET AL.  
20-5422 MILLER, ERIC V. DEAL, WARDEN  
20-5502 KIRK, KAREEM K. V. RICHARDSON, JANET, ET AL.  
20-5632 SHAWN, RICK V. DISTRICT COURT OF NV  
20-5635 SMITH, DANIEL T. V. WARDEN, FCI BEAUMONT  
20-5701 NARAYAN, PRAKASH V. PRASAD, RABINDRA  
20-5703 MILLER, JAMES L. V. PHILLIPS, VIRGINIA A., ET AL.  
20-5724 JOHNSON, JUSTIN L. V. GIBSON, JOSEPH, ET AL.  
20-5732 SEADIN, ERNEST V. WILLIAMS, DIR., CO DOC  
20-5931 PETRANO, DAVID F., ET UX. V. BAYLOR, DARLENE P.  
20-6059 DURAN, PAUL E. V. ALLISON, SEC., CA DOC  
20-6241 SMITH, LISA MARIE V. KELLY SERVICES, INC., ET AL.  
20-6259 DE JESUS-CONCEPCION, ANGELA V. UNITED STATES

The petitions for rehearing are denied.

20-388 SUN, LINGFEI V. NEW YORK, NY, ET AL.

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

20-5680 STEELE, LARRY R. V. LUMPKIN, DIR., TX DCJ

The motion for leave to file a petition for rehearing is denied.

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**SUPREME COURT OF THE UNITED STATES**

BRIDGE AINA LE'A, LLC *v.* HAWAII LAND USE  
COMMISSION

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

No. 20–54. Decided February 22, 2021

The petition for a writ of certiorari is denied.

JUSTICE THOMAS, dissenting from the denial of certiorari.

I recently explained that “it would be desirable for us to take a fresh look at our regulatory takings jurisprudence, to see whether it can be grounded in the original public meaning of the Takings Clause of the Fifth Amendment or the Privileges or Immunities Clause of the Fourteenth Amendment.” *Murr v. Wisconsin*, 582 U. S. \_\_\_\_, \_\_ (2017) (dissenting opinion) (slip op., at 1).

Our current regulatory takings jurisprudence leaves much to be desired. A regulation effects a taking, we have said, whenever it “goes too far.” *Pennsylvania Coal Co. v. Mahon*, 260 U. S. 393, 415 (1922). This occurs categorically whenever a regulation requires a physical intrusion, *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U. S. 419 (1982), or leaves land “without economically beneficial or productive options for its use,” *Lucas v. South Carolina Coastal Council*, 505 U. S. 1003, 1018 (1992). But such cases are exceedingly rare. See, e.g., Brown & Merriam, On the Twenty-Fifth Anniversary of *Lucas*: Making or Breaking the Takings Claim, 102 Iowa L. Rev. 1847, 1849–1850 (2017) (noting that in more than 1,700 cases over a 25-year period, there were only 27 successful takings claims under *Lucas*—a success rate of just 1.6%). For all other regulatory takings claims, the Court has “generally eschewed any set formula for determining how far is too far,” requiring lower

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courts instead “to engage in essentially ad hoc, factual inquiries.” *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U. S. 302, 326 (2002) (internal quotation marks omitted). Factors might include (1) “[t]he economic impact of the regulation on the claimant,” (2) “the extent to which the regulation has interfered with distinct investment-backed expectations,” and (3) “the character of the governmental action.” *Penn Central Transp. Co. v. New York City*, 438 U. S. 104, 124 (1978); see also *Lingle v. Chevron U. S. A. Inc.*, 544 U. S. 528, 538–539 (2005). But courts must also “weig[h] . . . all the relevant circumstances.” *Tahoe-Sierra Pres. Council*, 535 U. S., at 322. As one might imagine, nobody—not States, not property owners, not courts, nor juries—has any idea how to apply this standardless standard.

This case illustrates the point. After an 8-day trial and with the benefit of jury instructions endorsed by both parties, the jury found a taking. The District Court, in turn, concluded that there was an adequate factual basis for this verdict. But the Ninth Circuit on appeal reweighed and reevaluated the same facts under the same legal tests to conclude that *no reasonable jury* could have found a taking. These starkly different outcomes based on the application of the same law indicate that we have still not provided courts with a “workable standard.” Pomeroy, *Penn Central After 35 Years: A Three Part Balancing Test or One Strike Rule?* 22 Fed. Cir. B. J. 677, 678 (2013). The current doctrine is “so vague and indeterminate that it invites unprincipled, subjective decision making” dependent upon the decisionmaker. Echeverria, *Is the Penn Central Three-Factor Test Ready for History’s Dustbin?* 52 Land Use L. & Zon. Dig. 3, 7 (2000); see also Eagle, *The Four-Factor Penn Central Regulatory Takings Test*, 118 Pa. St. L. Rev. 601, 602 (2014) (“[T]he doctrine has become a compilation of moving parts that are neither individually coherent nor collectively compatible”). A know-it-when-you-see-it test is no good if

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one court sees it and another does not.

Next year will mark a “century since *Mahon*,” during which this “Court for the most part has refrained from” providing “definitive rules.” *Murr*, 582 U. S., at \_\_\_\_ (slip op., at 7). It is time to give more than just “some, but not too specific, guidance.” *Palazzolo v. Rhode Island*, 533 U. S. 606, 617 (2001). If there is no such thing as a regulatory taking, we should say so. And if there is, we should make clear when one occurs.

I respectfully dissent.



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**SUPREME COURT OF THE UNITED STATES**

REPUBLICAN PARTY OF PENNSYLVANIA

20–542

*v.*

VERONICA DEGRAFFENREID, ACTING SECRETARY  
OF PENNSYLVANIA, ET AL.

JAKE CORMAN, ET AL.

20–574

*v.*

PENNSYLVANIA DEMOCRATIC PARTY, ET AL.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE SUPREME  
COURT OF PENNSYLVANIA, MIDDLE DISTRICT

Nos. 20–542 and 20–574. Decided February 22, 2021

The motions of Donald J. Trump for President, Inc. for leave to intervene as petitioner are dismissed as moot. The motions of Thomas J. Randolph, et al. for leave to intervene as respondents are dismissed as moot. The motion of Honest Elections Project for leave to file a brief as *amicus curiae* in No. 20–542 is granted. The motion of White House Watch Fund, et al. for leave to file a brief as *amici curiae* in No. 20–574 is granted. The petitions for writs of certiorari are denied.

JUSTICE THOMAS, dissenting from the denial of certiorari.

The Constitution gives to each state legislature authority to determine the “Manner” of federal elections. Art. I, §4, cl. 1; Art. II, §1, cl. 2. Yet both before and after the 2020 election, nonlegislative officials in various States took it upon themselves to set the rules instead. As a result, we received an unusually high number of petitions and emergency applications contesting those changes. The petitions here present a clear example. The Pennsylvania Legislature established an unambiguous deadline for receiving mail-in ballots: 8 p.m. on election day. Dissatisfied, the Pennsylvania Supreme Court extended that deadline by

three days. The court also ordered officials to count ballots received by the new deadline even if there was no evidence—such as a postmark—that the ballots were mailed by election day. That decision to rewrite the rules seems to have affected too few ballots to change the outcome of any federal election. But that may not be the case in the future. These cases provide us with an ideal opportunity to address just what authority nonlegislative officials have to set election rules, and to do so well before the next election cycle. The refusal to do so is inexplicable.

## I

Like most States, Pennsylvania has a long history of limiting the use of mail-in ballots. But in October 2019, the Pennsylvania Legislature overhauled its election laws. Relevant here, it gave all voters the option of voting by mail, and it extended the deadline for officials to receive mail ballots by several days to 8 p.m. on election day. 2019 Pa. Leg. Serv. Act 2019–77. Then, in response to COVID–19, the legislature again amended the law but decided not to extend the receipt deadline further. See 2020 Pa. Leg. Serv. Act 2020–12.

Displeased with that decision, the Pennsylvania Democratic Party sued in state court. It argued that the court could extend the deadline through a vague clause in the State Constitution providing, in relevant part, that “[e]lections shall be free and equal.” Art. I, §5. The Pennsylvania Supreme Court agreed. On September 17, it held that this “free and equal” provision enabled the court to extend the deadline three days to accommodate concerns about postal delays.

Petitioners promptly moved for emergency relief, filing an application for a stay on September 28. That application easily met our criteria for granting relief. See *Hollingsworth v. Perry*, 558 U. S. 183, 190 (2010) (*per curiam*).

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Not only did parties on both sides agree that the issue warranted certiorari, but there also was no question that petitioners faced irreparable harm. See *Maryland v. King*, 567 U. S. 1301, 1303 (2012) (ROBERTS, C. J., in chambers) (“[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury”). Petitioners further established a fair prospect of certiorari and reversal. For more than a century, this Court has recognized that the Constitution “operat[es] as a limitation upon the State in respect of any attempt to circumscribe the legislative power” to regulate federal elections. *McPherson v. Blacker*, 146 U. S. 1, 25 (1892). Because the Federal Constitution, not state constitutions, gives state legislatures authority to regulate federal elections, petitioners presented a strong argument that the Pennsylvania Supreme Court’s decision violated the Constitution by overriding “the clearly expressed intent of the legislature.” *Bush v. Gore*, 531 U. S. 98, 120 (2000) (Rehnquist, C. J., concurring). Despite petitioners’ strong showing that they were entitled to relief, we divided 4–4 and thus failed to act. *Scarnati v. Boockvar*, *ante*, p. \_\_\_\_.

Four days later, petitioners filed the first of these petitions and moved to expedite consideration so the Court could decide the merits before election day. But by that time, election day was just over a week away. So we denied the motion to expedite even though the question was of “national importance” and there was a “strong likelihood that the State Supreme Court decision violates the Federal Constitution.” *Republican Party of Pa. v. Boockvar*, *ante*, at 3 (statement of ALITO, J.).

## II

Now that the petitions are before us under the normal briefing schedule, I see no reason to avoid them. Indeed, the day after we denied petitioner’s motion to expedite in No. 20–542, the case became even more worthy of review.

The Eighth Circuit split from the Pennsylvania Supreme Court, granting a preliminary injunction against an attempt by the Minnesota Secretary of State to extend the legislature’s deadline to receive ballots by seven days. *Carson v. Simon*, 978 F. 3d 1051, 1059–1060, 1062 (2020). This divide on an issue of undisputed importance would justify certiorari in almost any case. That these cases concern federal elections only further heightens the need for review.

## A

Elections are “of the most fundamental significance under our constitutional structure.” See *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U. S. 173, 184 (1979). Through them, we exercise self-government. But elections enable self-governance only when they include processes that “giv[e] citizens (including the losing candidates and their supporters) confidence in the fairness of the election.” See *Democratic National Committee v. Wisconsin State Legislature*, *ante*, at 3 (KAVANAUGH, J., concurring in denial of application to vacate stay); accord, *Purcell v. Gonzalez*, 549 U. S. 1, 4 (2006) (*per curiam*) (“Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy”).

Unclear rules threaten to undermine this system. They sow confusion and ultimately dampen confidence in the integrity and fairness of elections. To prevent confusion, we have thus repeatedly—although not as consistently as we should—blocked rule changes made by courts close to an election. See *Purcell*, *supra*.<sup>1</sup>

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<sup>1</sup>See also *Merrill v. People First of Ala.*, *ante*, p. \_\_\_ (*Merrill II*); *Andino v. Middleton*, *ante*, p. \_\_\_; *Merrill v. People First of Ala.*, 591 U. S. \_\_\_ (2020) (*Merrill I*); *Republican National Committee v. Democratic National Committee*, 589 U. S. \_\_\_ (2020) (*per curiam*); *Veasey v. Perry*, 574 U. S. 951 (2014); *North Carolina v. League of Women Voters*, 574 U. S. 927 (2014) (allowing enjoined provisions to remain in effect for the upcoming election).

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An election system lacks clear rules when, as here, different officials dispute who has authority to set or change those rules. This kind of dispute brews confusion because voters may not know which rules to follow. Even worse, with more than one system of rules in place, competing candidates might each declare victory under different sets of rules.

We are fortunate that the Pennsylvania Supreme Court's decision to change the receipt deadline for mail-in ballots does not appear to have changed the outcome in any federal election. This Court ordered the county boards to segregate ballots received later than the deadline set by the legislature. Order in *Republican Party of Pa. v. Boockvar*, No. 20A84. And none of the parties contend that those ballots made an outcome-determinative difference in any relevant federal election.

But we may not be so lucky in the future. Indeed, a separate decision by the Pennsylvania Supreme Court may have already altered an election result. A different petition argues that after election day the Pennsylvania Supreme Court nullified the legislative requirement that voters write the date on mail-in ballots. See Pet. for Cert., O. T. 2020, No. 20–845. According to public reports, one candidate for a state senate seat claimed victory under what she contended was the legislative rule that dates must be included on the ballots. A federal court noted that this candidate would win by 93 votes under that rule. *Zicarelli v. Allegheny Cty. Bd. of Elections*, 2021 WL 101683, \*1 (WD Pa., Jan. 12, 2021). A second candidate claimed victory under the contrary rule announced by the Pennsylvania Supreme Court. He was seated.

That is not a prescription for confidence. Changing the rules in the middle of the game is bad enough. Such rule changes by officials who may lack authority to do so is even worse. When those changes alter election results, they can severely damage the electoral system on which our self-

governance so heavily depends. If state officials have the authority they have claimed, we need to make it clear. If not, we need to put an end to this practice now before the consequences become catastrophic.

## B

At first blush, it may seem reasonable to address this question when it next arises. After all, the 2020 election is now over, and the Pennsylvania Supreme Court’s decision was not outcome determinative for any federal election.

But whatever force that argument has in other contexts, it fails in the context of elections. For at least three reasons, the Judiciary is ill equipped to address problems—including those caused by improper rule changes—through post-election litigation.

First, postelection litigation is truncated by firm timelines. That is especially true for Presidential elections, which are governed by the Electoral Count Act, passed in 1887. That Act sets federal elections for the day after the first Monday in November—last year, November 3. See 3 U. S. C. §1. Under a statutory safe-harbor provision, a State has about five weeks to address all disputes and make a “final determination” of electors if it wants that decision to “be conclusive.” §5. Last year’s deadline fell on December 8, and the Electoral College voted just six days later. §7. Five to six weeks for judicial testing is difficult enough for straightforward cases. For factually complex cases, compressing discovery, testimony, and appeals into this timeline is virtually impossible.

Second, this timeframe imposes especially daunting constraints when combined with the expanded use of mail-in ballots. Voting by mail was traditionally limited to voters who had defined, well-documented reasons to be absent. See, e.g., Moreton, Note, Voting by Mail, 58 S. Cal. L. Rev. 1261, 1261–1264 (1985). In recent years, however, many States have become more permissive, a trend greatly accelerated by COVID–19. In Pennsylvania, for example, mail-

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in ballots composed just 4% of ballots cast in 2018. But the legislature dramatically expanded the process in 2019, thereby increasing the mail-in ballots cast in 2020 to 38%.

This expansion impedes postelection judicial review because litigation about mail-in ballots is substantially more complicated. For one thing, as election administrators have long agreed, the risk of fraud is “vastly more prevalent” for mail-in ballots. Liptak, *Error and Fraud at Issue as Absentee Voting Rises*, N. Y. Times, Oct. 6, 2012. The reason is simple: “[A]bsentee voting replaces the oversight that exists at polling places with something akin to an honor system.” *Ibid.* Heather Gerken, now dean of Yale Law School, explained in the same New York Times article that absentee voting allows for “simpler and more effective alternatives to commit fraud” on a larger scale, such as stealing absentee ballots or stuffing a ballot box, which explains “‘why all the evidence of stolen elections involves absentee ballots and the like.’” *Ibid.* The same article states that “[v]oting by mail is now common enough and problematic enough that election experts say there have been multiple elections in which no one can say with confidence which candidate was the deserved winner.” *Ibid.*

Pennsylvania knows this well. Even before widespread absentee voting, a federal court had reversed the result of a state senate election in Philadelphia after finding that the supposedly prevailing candidate “conducted an illegal absentee ballot conspiracy and that the [election officials] covertly facilitated the scheme with the specific purpose of ensuring a victory for” that candidate. *Marks v. Stinson*, 1994 WL 146113, \*29, \*36 (E.D. Pa., Apr. 26, 1994). This problem is not unique to Pennsylvania, and it has not gone away. Two years ago, a congressional election in North Carolina was thrown out in the face of evidence of tampering with absentee ballots. Because fraud is more prevalent with mail-in ballots, increased use of those ballots raises the likelihood that courts will be asked to adjudicate questions

that go to the heart of election confidence.<sup>2</sup>

Fraud is not the only aspect of mail-in ballots that complicates postelection judicial review. Also relevant are the corresponding safeguards that States put in place to ameliorate that heightened risk of fraud. To balance the “strong interest” of ballot access with the “compelling interest in preserving the integrity of [the] election process,” *Purcell*, 549 U. S., at 4, many States have expanded mail-in ballots but sought to deter fraud—and create mechanisms to detect it—by requiring voters to return ballots in signed, dated secrecy envelopes. Some States also require witness or notary signatures. Tallying these ballots tends to be more labor intensive, involves a high degree of subjective judgment (*e.g.*, verifying signatures), and typically leads to a far higher rate of ballot challenges and rejections. Litigation over these ballots can require substantial discovery and labor-intensive fact review. In some cases, it might require sifting through hundreds of thousands or millions of ballots. It also may require subjective judgment calls about the validity of thousands of ballots. Judicial review in this situation is difficult enough even when the rules are clear and the number of challenged ballots small. Adding a dispute about who can set or change the rules greatly exacerbates the problem.

Third, and perhaps most significant, postelection litigation sometimes forces courts to make policy decisions that they have no business making. For example, when an official has improperly changed the rules, but voters have already relied on that change, courts must choose between

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<sup>2</sup>We are fortunate that many of the cases we have seen alleged only improper rule changes, not fraud. But that observation provides only small comfort. An election free from strong evidence of systemic fraud is not alone sufficient for election confidence. Also important is the assurance that fraud will not go undetected. Cf. *McCutcheon v. Federal Election Comm’n*, 572 U. S. 185, 191, 206–207 (2014) (plurality opinion).



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potentially disenfranchising a subset of voters and enforcing the election provisions—such as receipt deadlines—that the legislature believes are necessary for election integrity. That occurred last year. After a court wrongly altered South Carolina’s witness requirement for absentee ballots, this Court largely reinstated the original rule, but declined to apply it to ballots already cast. *Andino v. Middleton*, ante, p. \_\_\_\_ . Settling rules well in advance of an election rather than relying on postelection litigation ensures that courts are not put in that untenable position.

In short, the postelection system of judicial review is at most suitable for garden-variety disputes. It generally cannot restore the state of affairs before an election. And it is often incapable of testing allegations of systemic maladministration, voter suppression, or fraud that go to the heart of public confidence in election results. That is obviously problematic for allegations backed by substantial evidence. But the same is true where allegations are incorrect. After all, “[c]onfidence in the integrity of our electoral process is essential to the functioning of our participatory democracy.” *Purcell*, supra, at 4; cf. *McCutcheon v. Federal Election Comm’n*, 572 U. S. 185, 191, 206–207 (2014) (plurality opinion) (identifying a compelling interest in rooting out the mere “appearance of corruption” in the political process). An incorrect allegation, left to fester without a robust mechanism to test and disprove it, “drives honest citizens out of the democratic process and breeds distrust of our government.” *Purcell*, supra, at 4.

### III

Because the judicial system is not well suited to address these kinds of questions in the short time period available immediately after an election, we ought to use available cases outside that truncated context to address these admittedly important questions. Here, we have the oppor-

tunity to do so almost two years before the next federal election cycle. Our refusal to do so by hearing these cases is befuddling. There is a clear split on an issue of such great importance that both sides previously asked us to grant certiorari. And there is no dispute that the claim is sufficiently meritorious to warrant review. By voting to grant emergency relief in October, four Justices made clear that they think petitioners are likely to prevail. Despite pressing for review in October, respondents now ask us not to grant certiorari because they think the cases are moot. That argument fails.

The issue presented is capable of repetition, yet evades review. This exception to mootness, which the Court routinely invokes in election cases, “applies where (1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again.” *Davis v. Federal Election Comm’n*, 554 U. S. 724, 735 (2008) (internal quotation marks omitted) (resolving a dispute from the 2006 election); see also *Anderson v. Celebrezze*, 460 U. S. 780, 784, and n. 3 (1983) (resolving a dispute from the 1980 election). Here, the Pennsylvania Supreme Court issued its decision about six weeks before the election, leaving little time for review in this Court. And there is a reasonable expectation that these petitioners—the State Republican Party and legislators—will again confront nonlegislative officials altering election rules. In fact, various petitions claim that no fewer than four other decisions of the Pennsylvania Supreme Court implicate the same issue.<sup>3</sup> Future cases will arise as lower state courts apply those precedents to justify intervening in elections and changing the rules.

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<sup>3</sup>Pet. for Cert., O. T. 2020, No. 20–845 (challenging three decisions); Pet. for Cert., O. T. 2020, No. 20–810 (challenging one decision).

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One wonders what this Court waits for. We failed to settle this dispute before the election, and thus provide clear rules. Now we again fail to provide clear rules for future elections. The decision to leave election law hidden beneath a shroud of doubt is baffling. By doing nothing, we invite further confusion and erosion of voter confidence. Our fellow citizens deserve better and expect more of us. I respectfully dissent.

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**SUPREME COURT OF THE UNITED STATES**

REPUBLICAN PARTY OF PENNSYLVANIA

20–542

*v.*

VERONICA DEGRAFFENREID, ACTING SECRETARY  
OF PENNSYLVANIA, ET AL.

JAKE CORMAN, ET AL.

20–574

*v.*

PENNSYLVANIA DEMOCRATIC PARTY, ET AL.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE SUPREME  
COURT OF PENNSYLVANIA, MIDDLE DISTRICT

Nos. 20–542 and 20–574. Decided February 22, 2021

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

I agree with JUSTICE THOMAS that we should grant review in these cases. They present an important and recurring constitutional question: whether the Elections or Electors Clauses of the United States Constitution, Art. I, §4, cl. 1; Art. II, §1, cl. 2, are violated when a state court holds that a state constitutional provision overrides a state statute governing the manner in which a federal election is to be conducted. That question has divided the lower courts,\* and our review at this time would be greatly beneficial.

In the cases now before us, a statute enacted by the Pennsylvania Legislature unequivocally requires that mailed ballots be received by 8 p.m. on election day. Pa. Stat. Ann., Tit. 25, §§3146.6(c), 3150.16(c) (Purdon 2020). Nevertheless, the Pennsylvania Supreme Court, citing a provision of the State Constitution mandating that elections “be free and equal,” Art. I, §5, altered that deadline and ordered

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\*See *Pennsylvania Democratic Party v. Boockvar*, \_\_\_ Pa. \_\_\_, \_\_\_–\_\_\_, 238 A. 3d 345, 369–372 (2020); *Carson v. Simon*, 978 F. 3d 1051, 1059–1060 (CA8 2020).

that mailed ballots be counted if received up to three days after the election, *Pennsylvania Democratic Party v. Boockvar*, \_\_\_ Pa. \_\_\_, \_\_\_–\_\_\_, 238 A. 3d 345, 362, 371–372 (2020). Both the state Republican and Democratic parties urged us to grant review and decide this question before the 2020 election. See Application for Stay in *Republican Party of Pennsylvania v. Boockvar*, No. 20A54, pp. 2–3; Democratic Party of Pennsylvania Response to Application for Stay in No. 20A54, pp. 8–9. But the Court, by an evenly divided vote, refused to do so. Nos. 20A53 and 20A54, *ante*, p. \_\_\_ (THOMAS, ALITO, GORSUCH, and KAVANAUGH, JJ., noting dissents). That unfortunate decision virtually ensured that this important question could not be decided before the election. See No. 20–542, *ante*, p. \_\_\_ (statement of ALITO, J., joined by THOMAS and GORSUCH, JJ.).

Now, the election is over, and there is no reason for refusing to decide the important question that these cases pose. “The provisions of the Federal Constitution conferring on state legislatures, not state courts, the authority to make rules governing federal elections would be meaningless if a state court could override the rules adopted by the legislature simply by claiming that a state constitutional provision gave the courts the authority to make whatever rules it thought appropriate for the conduct of a fair election.” *Ante*, at 3; see also *Bush v. Palm Beach County Canvassing Bd.*, 531 U. S. 70, 76 (2000) (*per curiam*). A decision in these cases would not have any implications regarding the 2020 election. (Because Pennsylvania election officials were ordered to separate mailed ballots received after the statutory deadline, see *Republican Party of Pa. v. Boockvar*, No. 20A84, *ante*, p. \_\_\_, we know that the State Supreme Court’s decision had no effect on the outcome of any election for federal office in Pennsylvania.) But a decision would provide invaluable guidance for future elections.

Some respondents contend that the completion of the 2020 election rendered these cases moot and that they do

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not fall within the mootness exception for cases that present questions that are “capable of repetition” but would otherwise evade review. See, e.g., *Davis v. Federal Election Comm’n*, 554 U. S. 724, 735–736 (2008). They argue that the Pennsylvania Supreme Court’s decision “arose from an extraordinary and unprecedented confluence of circumstances”—specifically, the COVID–19 pandemic, an increase in mail-in voting, and Postal Service delays—and that such a perfect storm is not likely to recur. Brief in Opposition for Boockvar in No. 20–542, pp. 1, 9; see also Brief in Opposition for Pennsylvania Democratic Party in Nos. 20–542 and 20–574, p. 12.

That argument fails for three reasons. First, it does not acknowledge the breadth of the Pennsylvania Supreme Court’s decision. That decision claims that a state constitutional provision guaranteeing “free and equal” elections gives the Pennsylvania courts the authority to override even very specific and unambiguous rules adopted by the legislature for the conduct of federal elections. See App. to Pet. for Cert. 47a (relying on the court’s “broad authority to craft meaningful remedies when required” (internal quotation marks omitted)). That issue is surely capable of repetition in future elections. Indeed, it would be surprising if parties who are unhappy with the legislature’s rules do not invoke this decision and ask the state courts to substitute rules that they find more advantageous.

Second, the suggestion that we are unlikely to see a recurrence of the exact circumstances we saw this fall misunderstands the applicable legal standard. In order for a question to be capable of repetition, it is not necessary to predict that history will repeat itself at a very high level of specificity. See *Federal Election Comm’n v. Wisconsin Right to Life, Inc.*, 551 U. S. 449, 463 (2007).

Third, it is highly speculative to forecast that the Pennsylvania Supreme Court will not find that conditions at the time of a future federal election are materially similar to

those last fall. The primary election for Pennsylvania congressional candidates is scheduled to occur in 15 months, and the rules for the conduct of elections should be established well in advance of the day of an election. We may hope that by next spring the pandemic will no longer affect daily life, but that is uncertain. In addition, the state court's decision was not based solely on the pandemic but was also grounded in part on broader concerns about the operation of the Postal Service, App. to Pet. for Cert. 34a–35a, 47a, and concerns of this nature may persist or resurface. As voting by mail becomes more common and more popular, the volume of mailed ballots may continue to increase and thus pose delivery problems similar to those anticipated in 2020.

For these reasons, the cases now before us are not moot. There is a “reasonable expectation” that the parties will face the same question in the future, see *Wisconsin Right to Life, Inc.*, 551 U. S., at 463, and that the question will evade future pre-election review, just as it did in these cases.

These cases call out for review, and I respectfully dissent from the Court's decision to deny certiorari.