

Supreme Court Review

PLI

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I. Affordable Care Act.

California v. Texas, 141 S.Ct. 2104 (2021). Plaintiffs lack standing to challenge the constitutionality of the Patient Protection and Affordable Care Act.

II. Antitrust

NCAA v. Alton, 141 S.Ct. 2141 (2021). The district court's injunction pertaining to certain NCAA rules limiting the education-related benefits that schools may make available to student-athletes is consistent with established antitrust principles.

III. Civil rights litigation

Taylor v. Riojas, 141 S.Ct. 52 (2020). Because any reasonable correctional officer should have realized that Trent Taylor's conditions of confinement offended the Eighth Amendment, the U.S. Court of Appeals for the 5th Circuit erred in granting the officers qualified immunity.

IV. Criminal law and procedure

A. Eighth Amendment

Jones v. Mississippi, 141 S.Ct. 1307 (2021). The Eighth Amendment does not require a finding that a juvenile is permanently incorrigible before imposing a sentence of life without parole.

B. Fourth Amendment

Torres v. Madrid, 141 S.Ct. 989 (2021). The application of physical force to the body of a person with intent to restrain is a seizure even if the person does not submit and is not subdued.

Caniglia v. Strom, 141 S.Ct. 1596 (2021). The "community caretaking" exception to the Fourth Amendment's warrant requirement did not extend to permit search of the home.

Lange v. California, 141 S.Ct. ____ (2020). Under the Fourth Amendment, pursuit of a fleeing misdemeanor suspect does not always or categorically qualify as an exigent circumstance justifying a warrantless entry into a home.

C. Habeas corpus

Edwards v. Vannoy, 141 S.Ct. 1547 (2021). The unanimous jury verdict requirement of Ramos v. Louisiana (2020) does not apply retroactively. There is no exception to retroactivity for watershed rules of criminal procedure.

V. Federal court jurisdiction

A. Alien Tort Statute

Nestle USA, Inc. v. Doe, 141 S.Ct. 1931 (2021). To plead facts sufficient to support a domestic application of the Alien Tort Statute, 28 U.S.C. § 1350, plaintiffs must allege more domestic conduct than general corporate activity.

B. Standing

Uzuegbunam v. Preczewski, 141 S.Ct. 792 (2021). A request for nominal damages satisfies the redressability element necessary for Article III standing where a plaintiff's claim is based on a completed violation of a legal right.

TransUnion, LLC v. Ramirez, 141 S.Ct. ____ (2021). Only a plaintiff concretely harmed by a defendant's violation of the Fair Credit Reporting Act has Article III standing to seek damages against that private defendant in federal court.

VI. First Amendment

A. Free exercise of religion

Roman Catholic Diocese of Brooklyn v. Cuomo, 141 S.Ct. 63 (2020). Granting preliminary injunction to stop enforcement of orders restricting size of attendance for religious worship.

Tandon v. Newsom, 141 S.Ct. 1294 (2021). Prohibition on gatherings of more than three households in homes is unconstitutional as applied to worship services.

Fulton v. City of Philadelphia, 141 S.Ct. 1868 (2021). Philadelphia's refusal to contract with Catholic Social Services for the provision of foster care services unless CSS agrees to certify same-sex couples as foster parents violates the free exercise clause of the First Amendment.

B. Freedom of speech

Mahaney Area School Dist. v. B.L., 141 S.Ct. ____ (2021). The school district's decision to suspend student Brandi Levy from the cheerleading team for posting to social media (outside of school hours and away from the school's campus) vulgar language and gestures critical of the school violates the First Amendment.

Americans for Prosperity Foundation v. Bonta, 141 S.Ct. ___ (2021). California’s requirement is facially requirement that non-profits disclose their donors by providing the state with forms completed for the federal government is invalid because it burdens donors’ First Amendment rights and is not narrowly tailored to an important government interest.

VII. Immigration law

Pereida v. Wilkinson, 141 S.Ct. 754 (2021). A nonpermanent resident seeking to cancel a lawful removal order fails to carry his burden of showing that he has not been convicted of a disqualifying offense when the statutory conviction on his record is ambiguous regarding whether a disqualifying offense formed the basis of his conviction.

Niz-Chavez v. Garland, 141 S.Ct. 1474 (2021). A notice to appear sufficient to trigger the Illegal Immigration Reform and Immigrant Responsibility Act of 1996’s stop-time rule is a single document containing all the information about an individual’s removal hearing specified in 8 U.S.C. § 1229(a)(1).

Johnson v. Guzman Chavez, 141 S.Ct. ___ (2021). Noncitizens seeking withholding of removal after reinstatement of removal orders are not entitled to individualized bond hearings.

Garland v. Dai, 141 S.Ct. 1669 (2021). The U.S. Court of Appeals for the 9th Circuit’s rule in immigration disputes — that in the absence of an explicit adverse credibility determination by an immigration judge or the Board of Immigration Appeals, a reviewing court must treat a petitioning noncitizen’s testimony as credible and true — cannot be reconciled with the terms of the Immigration and Nationality Act.

Sanchez v. Mayorkas, 141 S.Ct. 1809 (2021). An individual who entered the United States unlawfully is not eligible to become a lawful permanent resident under 8 U.S.C. § 1255 even if the United States has granted the individual temporary protected status.

VIII. Intellectual property

Google v. Oracle, 141 S.Ct. 1183 (2021). Google’s limited copying of the Java SE Application Programming Interface allowed programmers to put their accrued talents to work in a transformative program and constituted a fair use of that material under copyright law.

IX. Personal jurisdiction.

Ford Motor Company v. Montana Eighth Judicial District, 141 S.Ct. 1017 (2021). The connection between plaintiffs’ product-liability claims arising from car accidents occurring in each plaintiff’s state of residence and Ford’s activities in those states is sufficient to support specific jurisdiction in the respective state courts, even though the automobiles involved in the accidents were manufactured and sold elsewhere.

X. Separation of powers

United States v. Arthrex, 141 S.Ct. 1970 (2021). The unreviewable authority wielded by Administrative Patent Judges during inter partes review is incompatible with their appointment by the Secretary of Commerce to an inferior office.

Yellen v. Collins, 141 S.Ct. ____ (2021). Because the Federal Housing Finance Agency did not exceed its authority under the Housing and Economic Recovery Act of 2008 as a conservator of Fannie Mae and Freddie Mac, the anti-injunction provisions of the Recovery Act bar the statutory claim brought by shareholders of those entities; the Recovery Act's structure, which restricts the President's power to remove the FHFA director, violates the separation of powers.

XI. Takings Clause

Cedar Point Nursery v. Hassid, 141 S.Ct. ____ (2021). A California regulation granting labor organizations a "right to take access" to an agricultural employer's property to solicit support for unionization constitutes a per se physical taking.

XII. Voting rights

Brnovich v. Democratic National Committee, 141 S.Ct. ____ (2021). Arizona's laws requiring voting within a person's precinct and preventing "ballot harvesting" do not violate Section 2 of the Voting Rights Act, and the prohibition of ballot harvesting was not motivated by a discriminatory purpose.