

Summary of Orders

At its August 11, 2025, session, the Supreme Court denied review in four cases in the 5000 series, which is sometimes called the in forma pauperis docket.

The summary below lists the petitions on the Appellate Docket in which the court granted review, took summary action, or denied review. For each petition, there is given (1) its docket number and caption; (2) a citation to the lower court's opinion or order; (3) the ruling of the court below; and (4) the principal questions presented if the petition has been granted review. Other orders appear only in the journal of proceedings elsewhere in this issue of Law Week.

Journal of Proceedings

Order List: August 4, 2025

The U.S. Supreme Court released four miscellaneous order lists August 4. [View and download](#) a PDF version of the first list. [View and download](#) a PDF version of the second list. [View and download](#) a PDF version of the third list. [View and download](#) a PDF version of the fourth list.

Cases Docketed

Cases Recently Filed

Listed below are summaries of cases recently placed on the Appellate Docket of the Supreme Court. The summary for each case includes (1) the Supreme Court docket number and caption of the case; (2) an indication of the subject matter; (3) the court below, a citation to or date of its opinion or order, and the caption of the case in the court below when it differs significantly from the caption in the Supreme Court; (4) a capsule statement of the lower court's ruling; (5) the principal questions presented by the case; and (6) the procedure followed in seeking review, the date of filing in the Supreme Court, and counsel for petitioner or appellant.

Bankruptcy

25-128 Korean Claimants v. Dow Silicones Corporation *Reorganization and liquidation plans—funding obligations—settlements.*

Ruling below (6th Cir., 2025 BL 122059, unpublished):

The court affirms the district court's grant of the motion to terminate funding obligations under a bankruptcy plan.

Question(s) Presented: The following is representative of the questions presented. This case presents a question that the closing orders for Dow Corning breast implant settlement facility and its program, issued by the district court and affirmed by the Sixth Circuit, and the respondent's motion to terminate funding and to terminate the settlement facility without a proper notice to the foreign claimants including the Korean claimants is such constitutional that those were not a violation of due process. The foreign claimants including the Korean claimants have not received any notice of the closing orders when each order was issued and further did not receive a notice of status of their claims when the order granting the motion to terminate was issued. Whether the district court can approve the bankruptcy chapter 11 debtor, Dow Corning Corporation's motion to terminate funding and to terminate the settlement

facility without paying to the Korean claimants without proper notice is a question.

Petition for writ of cert filed 7/9/25 by Yeon Ho Kim, Seoul, Korea.

Civil Rights

25-125 Davis v. Ermold

42 U.S.C. 1983—free exercise clause—Kentucky Religious Freedom Restoration Act.

Ruling below (6th Cir., 130 F.4th 553, 2025 BL 72724):

The court affirms the decision of the district court entering judgment for plaintiffs on liability and denying the defendant's request for judgment as a matter of law.

Question(s) Presented: (1) Whether the First Amendment free exercise clause provides an affirmative defense to tort liability based solely on emotional distress damages with no actual damages in the same manner as the free speech clause under *Snyder v. Phelps*, 562 U.S. 443 (2011); (2) Whether a government official stripped of 11th Amendment immunity and sued in her individual capacity based solely on emotional distress damages with no actual damages is entitled to assert individual capacity and personal First Amendment defenses in the same or similar manner as any other individual defendant like in *Snyder v. Phelps*, 562 U.S. 443 (2011), or does she stand before this court with no constitutional defenses or immunity whatsoever; (3) Whether *Obergefell v. Hodges*, 576 U.S. 644 (2015), and the legal fiction of substantive due process, should be overturned.

Petition for writ of cert filed 7/24/25 by Mathew D. Staver, Washington, D.C.

25-131 Walton v. Nehls

Cruel and unusual punishment—Eighth Amendment—sexual assault.

Ruling below (7th Cir., 135 F.4th 1070, 2025 BL 150234):

The court holds that the respondent's actions didn't constitute a violation of the petitioner's Eighth Amendment rights.

Question(s) Presented: Whether the Eighth Amendment, which is interpreted according to "evolving standards of decency," permits a contrary rule that treats an incarcerated person as capable of giving legally effective consent to sexual conduct with a prison official.

Petition for cert filed 7/31/25 by Kristin Leigh McGough of Winston & Strawn LLP, Washington, D.C.

25-134 Tisdell v. Hogan

Property disputes—fraud—pro se litigation—civil procedure.

Ruling below (8th Cir., 2025 BL 29296, unpublished):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: (1) May a state court exercise subject matter jurisdiction over a property dispute case where the creditor has filed a claim in an adversarial proceeding concerning the same property?; (2) May a debtor who obtained interest in property by fraud connected with a bankruptcy case be awarded the benefits of that property through divorce?

Petition for cert filed 7/31/25 by Jannie Tisdell, pro se, of Saint Louis, Mo.

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25-135 Fortenberry v. Shack*Due process.*

Ruling below (Mich. Ct. App., 7/25/24):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: The following is representative of the questions presented. (1) Why didn't Michigan check into the allegations of intimidation against me by the court officer?; (2) How can a judge ignore an objection made by a defendant and then use the basis of this objection to rule against him while in fact violating three amendments?

Petition for writ of cert filed 4/15/25 by Kelvin Fortenberry, pro se, of Redford, Mich.

25-143 Hartzell v. Marana Unified Sch. Dist.*42 U.S.C. § 1983—First amendment—defamation.*

Ruling below (9th Cir., 130 F.4th 722, 2025 BL 70907):

The court partially reverses the district court and holds that the First Amendment retaliation claim against the respondent school district survives to the extent it's based on the school district's policy and the defamation claim survives to the extent it's based on a specific document sent to the petitioner's employer, but affirms the district court's ruling that the petitioner can't proceed on a *Monell* claim against the school district based on "final policymaker" or "custom and practice" theories, qualified immunity protects the respondent school principal from the First Amendment retaliation claim, and the procedural due process claim fails.

Question(s) Presented: Among the questions presented are: (1) Whether the fundamental constitutional right of parents to control their children's education is limited to the right to select a school—as the court below held—or whether parents continue exercising that right even once they have chosen to send their child to a public school, as the Third Circuit has held; (2) Whether there should be a more generalized clearly established requirement for government employees who have plenty of time to reflect on the constitutionality of their actions than the clearly established requirement that applies to cases involving law enforcement officers making split-second, life-or-death decisions.

Petition for cert filed 8/1/25 by Adam Christopher Shelton of Goldwater Institute, Phoenix, Ariz.

Constitutional Law

25-126 Kane v. City of New York, N.Y.*Freedom of religion—post-pandemic vaccine mandate.*

Ruling below (2d Cir., 1/10/25):

The court affirms in part and dismisses in part the denial of a preliminary injunction, affirms the dismissal of facial challenges, and affirms in part and vacates and remands in part the dismissal of as-applied challenges.

Question(s) Presented: Whether strict scrutiny applies to a discretionary religious-accommodation scheme that turns on whether individuals follow organized religion and whether their personal religious beliefs differ from the beliefs of their religious leaders.

Petition for writ of cert filed 7/21/25 by John J. Bursch of Alliance Defending Freedom, Washington, D.C.

25-132 W. Va. Citizens Def. League v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*Second Amendment.*

Ruling below (4th Cir., 2025 BL 211741, unpublished):

The court reverses and remands the decision of the district court with directions to dismiss petitioner's claim, upholding the age restriction on firearm sales to petitioner.

Question(s) Presented: Whether a federal law that bans licensed sales of handguns and handgun ammunition to law-abiding 18-to-20-year-old adults violates the Second Amendment to the U.S. Constitution.

Petition for cert filed 7/31/25 by David H. Thompson of Cooper & Kirk PLLC, Washington, D.C.

25-133 Miller v. McDonald*Freedom of religion—vaccine laws.*

Ruling below (2d Cir., 130 F.4th 258, 2025 BL 67337):

The court affirms the lower court's dismissal of petitioner's religious rights claims, finding that the New York law requiring immunization in schools was neutral and generally applicable.

Question(s) Presented: (1) Whether a law that categorically disallows religious exemptions but permits secular exemptions and other comparable secular activity violates the free exercise clause as applied to these Amish parents and schools; (2) Whether *Smith* should be reconsidered.

Petition for cert filed 7/31/25 by Kyle Douglas Hawkins of Lehotsky Keller Cohn LLP, Austin, Texas.

25-137 Floyd v. U.S.*Due process—military criminal appeals—post-docketing delays—right to speedy appellate review.*

Ruling below (C.A.A.F., 2025 BL 157237, unpublished):

Petition for grant of review denied, without published opinion.

Question(s) Presented: Whether, in evaluating a claim for a pre-docketing due process violation, a court can effectively require an appellant to assert the right to speedy appellate review prior to the docketing of his case on appeal and find no prejudice if an appellant requested and received a post-docketing delay.

Petition for cert filed 7/31/25 by Nicole J. Herbers of U.S. Air Force, Appellate Defense Division, Joint Base Andrews, Md.

25-138 Roman v. Massachusetts Bd. of Registration in Veterinary Med.*Freedom of speech—occupational speech—content and viewpoint based restrictions—medical professionals.*

Ruling below (Mass., 495 Mass. 1044, 256 N.E.3d 1274, 2025 BL 153655):

The court affirms a judgment of the county court upholding a final decision and order of respondent, a professional licensing board, suspending petitioner's license to practice veterinary medicine for two years.

Question(s) Presented: Whether a state occupational licensing board is entitled to apply a lower standard of constitutional scrutiny to speech that is neither commercial nor incidental to conduct simply because the speaker was subject to professional licensure.

Petition for cert filed 8/4/25 by Thaddeus A. Heuer of Foley Hoag, LLP, Boston, Mass.

25-141 Phillips v. Abundis*Due process—license suspension—nuclear medicine bone scan.*

Ruling below (7th Cir., 2025 BL 96766, unpublished):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: Among the questions presented are: (1) Why did the United States District Court for the Northern District of Illinois, Eastern Division, twice unilaterally impose the punishments of "suspension" upon the medical license of the petitioner without notice or a hearing thereby breaching the "settlement agreement"?; (2) Are pills for the performance of a nuclear medicine bone scan available or not available in the United States?; (3) Are pills for the performance of a nuclear medicine bone scan available or not available anywhere on this planet?

Petition for cert filed 6/23/25 by Arnold G. Phillips, pro se, of Buffalo Grove, Ill.

25-142 Sangervasi v. City of San Jose*Freedom of speech—14th Amendment equal protection—LGBTQ.*

Ruling below (9th Cir., 2025 BL 11217, unpublished):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: Among the questions presented are: (1) Can the government deny the plain-text right to "the equal protection of the laws", as is carried out and executed by the police at all times, seemingly in direct violation of the 14th Amendment of the Constitution of the United States of America?; (2) Can the uniform of America's police officers be misappropriated and used as a personal billboard and interactive "forum" for biased ideological and intimately personal sexual speech, and in favor of certain individuals, in direct violation of the history and traditions of the neutral and impartial visual appearance of the American uniform, and seemingly in direct violation of the 14th Amendment's plain-text right to "the equal protection of the laws", as is carried out and executed by the police at all times?

Petition for cert filed 7/19/25 by William Gerard Sangervasi II, pro se, of Los Altos, Calif.

Consumer Protection

25-129 Day Pacer LLC v. FTC

National Do Not Call Registry—Federal Trade Commission.

Ruling below (7th Cir., 125 F.4th 791, 2025 BL 1688):

The court affirms in part and reverses and remands in part the district court's findings that the defendants are liable on summary judgment and its award of over \$28 million in civil penalties.

Question(s) Presented: Whether a telephone call by a telemarketer that is not initiated to induce the purchase of goods or services or solicit a charitable contribution is an "outbound telephone call" for purposes of the TSR.

Petition for writ of cert filed 8/1/25 by Ian Heath Gershengorn of Jenner & Block, Washington, D.C.

Criminal Law

25-127 Ball v. U.S. District Court for the District of Maryland

Crime Victims' Rights Act, 18 U.S.C. §3771—due process—victim impact statements.

Ruling below (4th Cir., 2025 BL 100636, unpublished):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: (1) Where a person moves to assert a victim's rights under the Crime Victims' Rights Act, 18 U.S.C. §3771, and is invited by the government to present an oral victim impact statement at the defendant's sentencing hearing, does the due process clause of the Fifth Amendment guarantee the movant the opportunity to present testimony, evidence and/or oral argument at the sentencing hearing to establish "victim" status when the government reverses course and, joined by the defendant, argues for the first time during the sentencing hearing that the movant is not a "victim"? (2) Is a person harmed by the defendant's retaliation for that person's fulfillment of legal duties to try to prevent and/or report the conduct involved in the defendant's criminal scheme a "victim" under the CVRA? (3) Does the CVRA provide a right of allocution during the defendant's sentencing hearing as previously held by the Third, Sixth, and Ninth Circuits, or may a district court limit a "victim" or a person asserting a victim's rights under the CVRA to a written submission as held by the Fourth Circuit in this case?

Petition for writ of cert filed 7/17/25 by Jonathan F. Ball, pro se, of Philadelphia, Pa.

25-130 McLain v. U.S.

Criminal appeals—tax liability—jurisdiction.

Ruling below (9th Cir., 2/19/25):

The court denies the defendant's request for relief of criminal charges against him.

Question(s) Presented: The following is representative of the questions presented. (1) Can a district court properly deny a motion under Rule 60(b)(4), F.R. Civ. P., to vacate a criminal conviction where the motion shows the conviction is void for failure of the indictment to allege all the component essential elements of the offense, and/or void for the failure to instruct the jury on all the component essential elements of the crime charged? (2) Can a district court's finding of "arguable-basis" jurisdiction overcome a Rule 60(b)(4) Motion showing that a criminal judgment under 26 U.S.C. §6672 is void for lack of *in personam* or subject matter jurisdiction?

Petition for writ of cert filed 7/30/25 by Alexander L. Roots of Planalp & Roots PC, Bozeman, Mont.

25-146 Chaudhri v. U.S.

Criminal evidence—plain language—forced labor—document servitude.

Ruling below (4th Cir., 134 F.4th 166, 2025 BL 118526):

The court affirms the petitioners' convictions of conspiracy to commit forced labor, forced labor, and document servitude because 18 U.S.C. § 1589 applies to the familial relationship and conduct at issue, the district court's ruling on the petitioners' *Batson* challenge wasn't clearly erroneous, and any errors of admitting evidence of the petitioners' abuse of an alleged victim and of rejecting their proposed jury instruction as to the applicable mens rea was harmless.

Question(s) Presented: When applying the plain language of a broadly worded federal criminal statute would intrude on an area historically left to the states, must a court apply the plain language without consideration of the context in which the statute was enacted

or the presumption that if Congress intends to usurp authority previously left to the states it must say so explicitly?

Petition for cert filed 8/4/25 by Barry J. Pollack of Harris St. Laurent & Wechsler LLP, Washington, D.C.

Employment Discrimination

25-139 Cornelius v. CVS Pharmacy, Inc.

Sex discrimination—Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021—mandatory arbitration agreements.

Ruling below (3d Cir., 133 F.4th 240, 2025 BL 111651):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: Does "any dispute" under the EFAA mean any dispute arising between the parties or just the first dispute arising between the parties?

Petition for cert filed 7/29/25 by Michele A. Cornelius, pro se, of Woodland Park, N.J.

Real Estate

25-140 Labuzan-Delane v. Cochran & Cochran Land Co., Inc.

ejectment action—adverse possession.

Ruling below (5th Cir., 2025 BL 55972, unpublished):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: Among the questions presented are: (1) Whether a district court may grant summary judgment without affording any opportunity for discovery—contrary to *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986)—where the district court and the Fifth Circuit misapplied Rules 56(d) and 37, disregarding Rule 26(f)'s requirement for initiating discovery; (2) Whether federal courts may, consistent with the constitution's supremacy clause and contract clause, impose sanctions against a litigant solely for asserting a claim of title under a federal land patent—contrary to this Court's precedents recognizing land patents as the highest evidence of title.

Petition for writ of cert filed 5/19/25 by Jennine Labuzan-Delane, pro se, of Athens, Ga.

Torts

25-136 Palardy v. AT&T Services Inc.

Defamation—employment discrimination—Americans with Disabilities Act.

Ruling below (Tex. App., 2024 BL 473602):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: (1) Whether state courts may disregard the Americans with Disabilities Act when adjudicating defamation claims involving disability-related conduct, in violation of the supremacy clause? (2) Whether courts and enforcement agencies violate the equal protection clause by failing to recognize or enforce ADA discrimination claims brought by white male plaintiffs, particularly in the context of so-called "tester" litigation. See *Ames v. Ohio Dep't of Youth Servs.*, 602 U.S. (2025); (3) Whether employers may use opaque or AI-driven systems to deny effective accommodations under the ADA, or prevent disabled applicants and employees from using advanced technologies, including AI, as a form of accommodation?

Petition for writ of cert filed 6/18/25 by Francis Palardy, pro se, of Fayetteville, Ark.

Trademarks

25-144 Foster v. Stewart

Trademark registration—Lanham Act—Administrative Procedure Act—intent-to-use.

Ruling below (Fed. Cir., 136 F.4th 1090, 2025 BL 155892):

The ruling below addressed by this pro se petition will be summarized if and when the case is granted review.

Question(s) Presented: Among the questions presented are: (1) Whether the Federal Circuit improperly considered government developments that postdate a trademark applicant's filing to support a refusal under Section 2(a) of the Lanham Act, despite the applicant's statutory right to constructive use based on the application's filing date; (2) Whether the Federal Circuit improperly deferred to the USPTO's statutory interpretation of Section 2(a) after

this Court’s ruling in *Loper Bright Enterprises v. Raimondo*, which reaffirmed the judiciary’s duty to independently interpret the law under the Administrative Procedure Act; (3) Whether Section 2(a)’s prohibition against marks that “falsely suggest a connection” is unconstitutionally vague as applied to an intent-to-use trademark application which the USPTO claims references a fictionalized entity that did not exist at the time of filing.

Petition for cert filed 7/23/25 by Thomas Daniel Foster, pro se, of San Diego, Calif.

Transportation

25-145 Total Quality Logistics, LLC v. Cox
Motor vehicles—freight broker—common-law negligence claim.
Ruling below (6th Cir., 142 F.4th 847, 2025 BL 236397):

The court reverses the district court’s dismissal of the respondent’s negligent hiring claim because it falls within the Federal Aviation Administration and Authorization Act’s safety exception, and remands for further proceedings.

Question(s) Presented: Whether a common-law negligence claim alleged against a freight broker, based on the broker’s selection of a motor carrier to provide transportation of cargo, is preempted because it does not fall within the safety exception in Section 14501(c)(2)(A).

Petition for cert filed 8/4/25 by Kannon K. Shanmugam of Paul, Weiss, Rifkind, Wharton & Garrison LLP, Washington, D.C.

CASES SUMMARIZED

Cases Recently Filed

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