

## Oral Arguments

### Hearings Scheduled

The U.S. Supreme Court's calendar of hearings scheduled for the October argument session is given below.

#### October 6

**24-557** Villarreal v. Texas (Tex. Crim. App., 2024 BL 359044, unpublished).

Whether a trial court abridges the defendant's Sixth Amendment right to counsel by prohibiting the defendant and his counsel from discussing the defendant's testimony during an overnight recess. 93 U.S.L.W. 3129 (One hour).

**24-440** Berk v. Choy (3d Cir., 2024 BL 254487, unpublished).

Whether a state law providing that a complaint must be dismissed unless it is accompanied by an expert affidavit may be applied in federal court. 93 U.S.L.W. 3093 (One hour).

#### October 7

**24-5774** Barrett v. U.S. (2d Cir., 102 F.4th 60, 2024 BL 166920).

(1) Whether the Double Jeopardy Clause permits two sentences for an act that violates 18 U.S.C. §924(c) and §924(j), a question that divides seven circuits but about which the Solicitor General and Petitioner agree; (2) Whether "Hobbs Act robbery qualifies as a crime of violence under §924(c)(3)(A), a question left open after" *United States v. Taylor*, 596 U.S. 845 (2022). *United States v. Stoney*, 62 F.4th 108, 113 (3d Cir. 2023). (One hour).

**24-539** Chiles v. Salazar (10th Cir., 116 F.4th 1178, 2024 BL 319844).

Whether a law that censors certain conversations between counselors and their clients based on the viewpoints expressed regulates conduct or violates the free speech clause. 93 U.S.L.W. 3120 (One hour).

#### October 8

**24-351** U.S. Postal Service v. Konan (5th Cir., 2024 BL 94039).

Whether a plaintiff's claim that she and her tenants did not receive mail because Postal Service employees intentionally did not deliver it to a designated address arises out of "the loss" or "mis-carriage" of letters or postal matter. 28 U.S.C. 2680(b). 93 U.S.L.W. 3052 (One hour).

**24-568** Bost v. Ill. State Bd. of Elections (7th Cir., 114 F.4th 634, 2024 BL 290922).

Whether petitioners, as federal candidates, have pleaded sufficient factual allegations to show Article III standing to challenge state time, place, and manner regulations concerning their federal elections. 93 U.S.L.W. 3130 (One hour).

#### October 14

**24-482** Ellingburg v. U.S. (8th Cir., 113 F.4th 839, 2024 BL 294921).

Whether criminal restitution under the Mandatory Victim Restitution Act (MVRA) is penal for purposes of the ex post facto clause. 93 U.S.L.W. 3107 (One hour).

**24-5438** Bowe v. U.S. (11th Cir., 2024 BL 220775, unpublished).

Among the questions presented are: (1) Whether 28 U.S.C. § 2244(b)(1) applies to a claim presented in a second or successive motion to vacate under 28 U.S.C. § 2255; (2) Whether 28 U.S.C. § 2244(b)(3)(E) deprives this Court of certiorari jurisdiction over the grant or denial of an authorization by a court of appeals to file a sec-

ond or successive motion to vacate under 28 U.S.C. § 2255. (One hour).

#### October 15

**24-109** Louisiana v. Callais (W.D. La., 2024 BL 147550).

(1) Did the majority err in finding that race predominated in the Legislature's enactment of S.B. 8?; (2) Did the majority err in finding that S.B. 8 fails strict scrutiny?; (3) Did the majority err in subjecting S.B. 8 to the *Gingles* preconditions?; (4) Is this action non-justiciable?

**24-110** Robinson v. Callais (W.D. La., 2024 BL 147550).

Among the questions presented are: (1) Did the district court err in concluding that race predominated in the design of CD6 based on the legislature's stated intent to comply with the rulings of the *Robinson* courts without presuming the good faith of the legislature, attempting to disentangle the legislature's racial and political considerations, or requiring an alternative map that satisfied both § 2 and the legislature's political objectives, as required by *Alexander v. S.C. State Conf. of NAACP*, 144 S. Ct. 1221, 1233–1234 (2024)?; (2) Did the district court err when it disregarded the rulings of the courts in *Robinson* that the *Gingles* preconditions could be (and had been) satisfied and instead required that the state's enacted map satisfy the first *Gingles* precondition to survive strict scrutiny?; (3) Did the district court err in failing to accord the Louisiana legislature sufficient breathing room to account for political considerations that resulted in a less compact district than necessary to satisfy § 2? 93 U.S.L.W. 3014 (Consolidated, one hour for reargument).

**24-624** Case v. Montana (Mont., 553 P.3d 985, 2024 BL 270557).

Whether law enforcement may enter a home without a search warrant based on less than probable cause that an emergency is occurring, or whether the emergency-aid exception requires probable cause. 93 U.S.L.W. 3151 (One hour).

## Summary of Orders

At its September 22, 2025, session, the Supreme Court denied review in two petitions on the Appellate Docket, and in one petition 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.

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## Review Denied

Denial of review relates principally to certiorari cases and is normally evidenced by denial of certiorari.

### Administrative Law

#### 25-319 *Wilcox v. Trump*

Ruling below (D.C. Cir., 9/17/25):

After the D.C. Circuit heard the expedited argument on the merits, the case is pending in that court.

### Constitutional Law

#### 25-312 *Harris v. Bessent*

Ruling below (D.C. Cir., 9/17/25, unpublished):

After the D.C. Circuit heard the expedited argument on the merits, the case is pending in that court.

## Journal of Proceedings

### Order List: Sept. 16-22, 2025

The U.S. Supreme Court released a miscellaneous order on Sept. 16. [View and download](#) a PDF version of the order. The court released a miscellaneous order on Sept. 19. [View and download](#) a PDF version of the order. The court released two miscellaneous orders on Sept. 22. [View and download](#) a PDF version of the first order. [View and download](#) a PDF version of the second order.

## Opinions Relating to Orders

### Donald J. Trump, President of The United States v. Rebecca Kelly Slaughter, No. 25A264 (25-332), Sept. 22, 2025

#### ON APPLICATION FOR STAY

The application for stay presented to THE CHIEF JUSTICE and by him referred to the Court is granted. The July 17, 2025 order of the United States District Court for the District of Columbia, No. 25-cv-909, ECF Doc. 52, is stayed. The application is also treated as a petition for a writ of certiorari before judgment, and the petition is granted. The parties are directed to brief and argue the following questions: (1) Whether the statutory removal protections for members of the Federal Trade Commission violate the separation of powers and, if so, whether *Humphrey's Executor*

*v. United States*, 295 U. S. 602 (1935), should be overruled.

(2) Whether a federal court may prevent a person's removal from public office, either through relief at equity or at law. The Clerk is directed to establish a briefing schedule that will allow the case to be argued in the December 2025 argument session. The stay shall terminate upon the sending down of the judgment of this Court.

JUSTICE KAGAN, with whom JUSTICE SOTOMAYOR and

JUSTICE JACKSON join, dissenting from the grant of the application for stay.

On top of granting certiorari before judgment in this case, the Court today issues a stay enabling the President to immediately discharge, without any cause, a member of the Federal Trade Commission (FTC). That stay, granted on our emergency docket, is just the latest in a series. Earlier this year, the same majority, by the same mechanism, permitted the President to fire without cause members of the National Labor Relations Board, the Merits Systems Protection Board, and the Consumer Product Safety Commission. See *Trump v. Wilcox*, 605 U. S. \_\_\_\_ (2025); *Trump v. Boyle*, 606 U. S. \_\_\_\_ (2025). Congress, as everyone agrees, prohibited each of those presidential removals. See, e.g., 15 U. S. C. § 41 (barring the President from discharging FTC Commissioners except for "inefficiency, neglect of duty, or malfeasance in office"). Under the relevant statutes, the entities just listed are "classic independent agency[ies]" — "multi-member, bipartisan commission[s]" whose members serve staggered terms and cannot be removed except for good reason." *Boyle*, 606 U. S., at \_\_\_\_ (KAGAN, J., dissenting from grant of application for stay) (slip op., at 1). Yet the majority, stay or-

der by stay order, has handed full control of all those agencies to the President. He may now remove—so says the majority, though Congress said differently—any member he wishes, for any reason or no reason at all. And he may thereby extinguish the agencies' bipartisanship and independence.

I dissented from the majority's prior stay orders, and today do so again. Under existing law, what Congress said goes—as this Court unanimously decided nearly a century ago. In *Humphrey's Executor v. United States*, 295 U. S. 602 (1935), we rejected a claim of presidential prerogative identical to the one made in this case. (Indeed, the suit emerged from a discharge at the very same agency.) Congress, we held, may restrict the President's power to remove members of the FTC, as well as other agencies performing "quasi-legislative or quasi-judicial" functions, without violating the Constitution. *Id.*, at 629. So the President cannot, as he concededly did here, fire an FTC Commissioner without any reason. To reach a different result requires reversing the rule stated in *Humphrey's*. It entails overriding rather than accepting Congress's judgment about agency design. The majority may be raring to take that action, as its grant of certiorari before judgment suggests. But until the deed is done, *Humphrey's* controls, and prevents the majority from giving the President the unlimited removal power Congress denied him. Because the majority's stay does just that, I respectfully dissent. Our emergency docket should never be used, as it has been this year, to permit what our own precedent bars. Still more, it should not be used, as it also has been, to transfer government authority from Congress to the President, and thus to reshape the Nation's separation of powers.

## 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.

### Administrative Law

#### 25-302 *Talley v. Folwell*

*Benefits overpayment—due process.*

Ruling below (4th Cir., 133 F.4th 289, 2025 BL 115057):

The court affirms the district court's decision dismissing the case for failure to plead any plausible claims.

Question(s) Presented: Whether the Fourth Circuit Court of Appeals in a published opinion has ignored decades of law establishing the right to pre-deprivation due process in all but the most emergent circumstances allowing the North Carolina State Treasurer to deprive petitioner and others similarly situated overpaid through no fault of their own to be deprived of property without any procedural due process while opining cavalierly "there is no such thing as a free lunch."

Petition for writ of cert filed 8/18/25 by Valerie L. Bateman of New South Law Firm, Carrboro, N.C.

#### 25-319 *Wilcox v. Trump*

*National Labor Relations Board—for-cause removal.*

Ruling below (D.C. Cir., 9/17/25):

Question(s) Presented: (1) May Congress constitutionally limit removal of members of the National Labor Relations Board to cases of "neglect of duty or malfeasance in office," 29 U.S.C. §153(a)?; 2. Do federal district courts have authority to provide a non-damages remedy for violations of the NLRB's for-cause removal provision?

Petition for writ of cert before judgment filed 9/15/25 by Deepak Gupta of Gupta Wessler LLP, Washington, D.C.

## Antitrust

### 25-326 Real Estate Exchange Inc. v. Zillow Group Inc.

*Sherman Act—new trial—conspiracy.*

Ruling below (9th Cir., 2025 BL 67434):

The court affirms the district court's grant of summary judgment to the defendants on antitrust claims under Section 1 of the Sherman Act, 15 U.S.C. §1, and a parallel provision of the Washington Consumer Protection Act, Wash. Rev. Code §19.86.030, as well as its denial of a motion for a new trial.

Question(s) Presented: Whether a business association that publishes a rule for its members can immunize the rule, and members' adherence to it, from being considered a conspiracy subject to Sherman Act Section 1 by making the rule optional—as held by the Ninth Circuit below and the Tenth Circuit—or whether an association's rule can be a conspiracy even if optional—as held by the First, Third, and Fifth Circuits and supported by the Department of Justice and this court's precedent.

Petition for writ of cert filed 9/15/25 by Bennett Joseph Rawicki of Hilgers Graben PLLC, Dallas, Texas.

## Appellate Procedure

### 25-298 Bi-Qem SA DE CV v. Trade Links LLC

*Rule 50(b) motions—jurisdiction.*

Ruling below (2d Cir., 2025 BL 165878, unpublished):

The court grants respondent's motion to dismiss the petitioner's appeal on the grounds that petitioner was late in filing its notice of appeal.

Question(s) Presented: (1) Whether an unsigned and uninitiated document entitled "Courtroom Minutes – Civil," hyperlinked to a "Minute Entry" in the docket constitutes an "Order" for purposes of Federal Rule of Appellate Procedure 4(a); (2) Whether the docket entry of this document as a "Minute Entry" constitutes entry of an "Order" under Connecticut Court District Local Rule 77(a) (2), which provides that "the notation in the appropriate docket of an 'order'... shall constitute the entry of this order," and therefore triggers the time to appeal.

Petition for cert filed 9/11/25 by Robert W Cinque of Cinque & Cinque P.C., New York, N.Y.

## Arbitration

### 25-311 Genesis Financial Solutions Inc. v. Ford

*Federal Arbitration Act—arbitration clause.*

Ruling below (4th Cir., 2025 BL 186722, unpublished):

The court affirms the district court's order denying the petitioner's motion to dismiss and compel arbitration because there's no reversible error.

Question(s) Presented: Does the Federal Arbitration Act, 9 U.S.C. §2, permit states to impose separate and heightened consideration requirements that apply only to arbitration clauses, as the Fourth Circuit alone holds, or does it preempt such requirements as improperly discriminating against arbitration clauses, as held by the First, Second, Third, Sixth, and Eighth Circuits?

Petition for cert filed 9/15/25 by Collin Partington Wedel of Sidley Austin LLP, Los Angeles, Calif.

### 25-327 Express Scripts Inc. v. California

*Motions to stay.*

Ruling below (9th Cir. 139 F.4th 763, 2025 BL 188810):

The court affirms the district court's order denying a motion to stay.

Question(s) Presented: Whether a remand order appealed under 28 U.S.C. §1447(d), like the orders at issue in *Coinbase*, is subject to an automatic stay pending appeal.

Petition for writ of cert filed 9/16/25 by Cristopher George Michel of Quinn Emanuel Urquhart & Sullivan LLP, Washington, D.C.

## Civil Procedure

### 25-293 General Dynamics Corporation v. Scharpf

*Timeliness—Sherman Act—fraudulent concealment.*

Ruling below (4th Cir., 137 F.4th 188, 2025 BL 160164):

The court reverses the lower court decision dismissing this action as barred by the Sherman Act's four-year statute of limitations.

Question(s) Presented: Whether plaintiffs adequately plead that defendants engaged in fraudulent concealment, for purposes of tolling the Section 15b statute of limitations, by alleging that defendants maintained an unwritten agreement.

Petition for writ of cert filed 9/11/25 by Donald B. Verrilli Jr. of Munger, Tolles & Olson LLP, Washington, D.C.

### 25-299 Silverberg v. District of Columbia

*Claim preclusion—collateral estoppel—subject matter jurisdiction.*

Ruling below (D.C. Cir., 2025 BL 128275, 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 the appellate court committed error by overturning *Hibbs v. Winn* and holding that any constitutional claim arising directly from the assessment bars federal jurisdiction even when the claim does not negatively impact the flow of revenue to the general fund; (2) Whether the appellate court committed error by not finding that the defendant was collaterally estopped from asserting that the test for exclusive jurisdiction of constitutional claims was established in *Hibbs*, by virtue of the litigation in *Coleman v. District of Columbia*.

Petition for cert filed 7/10/25 by Sam Silverberg, pro se, Jacksonville, Fla.

### 25-317 Estate of J. B. v. Muser

*Constitutional questions—guardianship.*

Ruling below (N.Y. App. Term, 43 N.Y.3d 977, 233 N.Y.S.3d 247, 2025 BL 166131):

The court dismisses the appeal on the ground that no substantial constitutional question is directly involved.

Question(s) Presented: Does an alleged incapacitated person have a constitutional right to, at a minimum, be present at her own guardianship proceeding?

Petition for writ of cert filed 9/12/25 by Randall Lee Kallinen of Kallinen Law PLLC, Houston, Texas.

### 25-329 Jean-Baptiste v. U.S. Department of Justice

*Pleading requirements—statutory and constitutional violations.*

Ruling below (11th Cir., 2025 BL 167649, unpublished):

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

Question(s) Presented: Can the federal government get away with attempted murder, terrorist acts, and human rights violations on an American citizen and use the federal government's power to influence the courts' decision to protect the Federal Bureau of Investigation from liability for committing a terrorist act?

Petition for writ of cert filed 8/4/25 by Harold Jean-Baptiste, pro se, Rosedale, N.Y.

## Civil Rights

### 25-292 Roseman v. DLJ Mortgage Capital Inc.

*42 U.S.C. 1983—mortgages—foreclosure—pleadings.*

Ruling below (6th Cir., 2024 BL 362220, unpublished):

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

Question(s) Presented: Whether rulings of courts below constitute an infringement of petitioner's rights under due process clauses of constitution and related rights under 42 U.S.C. §1983, which makes liable "every person" who under color of law deprives another person of his civil rights; and 42 U.S.C. §1981(a)(1991); 42 U.S.C. §1982 (1978); Title VII of the Civil Rights Act of 1964; and concomitantly, whether mortgage/loan in this case should have been invalidated.

Petition for writ of cert filed 2/15/25 by John L. Roseman Sr., pro se, Farmington Hills, Mich.

### 25-297 Zorn v. Linton

*Qualified immunity—use of force—42 U.S.C. 1983.*

Ruling below (2d Cir., 135 F.4th 19, 2025 BL 138522):

The court vacates the district court's order granting summary judgment for petitioner on the grounds that there exists a genuine issue of fact as to whether qualified immunity shielded petitioner from personal liability.

Question(s) Presented: Whether the Second Circuit's qualified immunity analysis conflicts with this court's repeated instruction that courts must define rights with specificity and look for close fac-

tual analogues in determining whether a Fourth Amendment right is clearly established.

Petition for cert filed 9/11/25 by Jonathan Todd Rose of Office of the Vermont Attorney General, Montpelier, Vt.

### 25-309 Kim v. Ali

**Fabricated evidence—state action—42 U.S.C. §1983.**

Ruling below (3d Cir., 2024 BL 461266, 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 42 U.S.C. § 983 claim that state officials fabricated evidence against the petitioner accrues only upon favorable termination of the criminal proceedings (consistent with *McDonough v. Smith*, 139 S. Ct 2149 (2019)), and whether the lower courts erred in dismissing such a claim as time-barred despite the petitioner's recent discovery of the fabrication; and (2) Whether a 42 U.S.C. §1983 claim that state officials fabricated evidence against the petitioner accrues only upon favorable termination of the criminal proceedings (consistent with *McDonough v. Smith*, 139 S. Ct 2149 (2019)), and whether the lower courts erred in dismissing such a claim as time-barred despite the petitioner's recent discovery of the fabrication.

Petition for cert filed 6/30/25 by Kaeun Kim, pro se, New York, N.Y.

### 25-314 Culp v. Caudill

**Americans with Disabilities Act—qualified individual.**

Ruling below (7th Cir., 140 F.4th 938, 2025 BL 214260):

The court affirms the district court grant's of summary judgment to the respondent on the petitioner's claims alleging Rehabilitation Act and Americans with Disabilities Act violations.

Question(s) Presented: Whether Title II of the Americans with Disabilities Act, 42 U.S.C. §12131 et seq., applies to a law enforcement agency during the circumstance of the arrest or apprehension of a qualified individual with a disability and, if so, what standards govern the law's application.

Petition for cert filed 9/15/2025 by Sean Martin Surrisi of Wyland, Humphrey, Clevenger & Surrisi, LLP, Plymouth, Ind.

## Constitutional Law

### 25-296 DeWilde v. Bondi

**Second Amendment—firearms.**

Ruling below (10th Cir., 2025 BL 198961, unpublished):

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

Question(s) Presented: Whether the Second Amendment to the constitution permits the government to prohibit the possession, by responsible, law-abiding Americans, of the standard-issue service rifle of the U.S. military, the M-16.

Petition for cert filed 7/22/25 by Jake Stanley DeWilde, pro se, Wapiti, Wyo.

### 25-312 Harris v. Bessent

**Article III courts—for-cause removal—backpay.**

Ruling below (D.C. Cir., 9/17/25, unpublished):

After the D.C. Circuit heard the expedited argument on the merits, the case is pending in that court.

Question(s) Presented: (1) Whether Congress may provide by statute that members of the Merit Systems Protection Board—an adjudicatory body that does not make policy—"may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office." 5 U.S.C. §1202(d); (2) Whether Article III courts can provide a remedy other than backpay when the president violates a constitutional for-cause removal provision.

Petition for cert filed 9/15/25 by Neal Kumar Katyal of Milbank LLP, Washington, D.C.

### 25-325 Fooks v. Maryland

**Second Amendment—firearms laws.**

Ruling below (Md., 490 Md. 458, 337 A.3d 83, 2025 BL 195961):

The court affirms the lower court decision finding the statute constitutional on its face and as applied.

Question(s) Presented: (1) Does Maryland Code, Public Safety Article, §5-133(b)(2), which provides that "a person may not possess a firearm if the person has been convicted of a violation classified as a common law crime and received a term of imprisonment

of more than 2 years," violate the Second Amendment on its face, in light of *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022), and *United States v. Rahimi*, 602 U.S. 680, 144 S.Ct. 1889, 219 L.Ed.2d 351 (2024)?; (2) Does Maryland Code, Public Safety Article, §5-133(b)(2) violate the Second Amendment as applied to Mr. Fooks, in light of *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022), and *United States v. Rahimi*, 602 U.S. 680, 144 S.Ct. 1889, 219 L.Ed.2d 351 (2024)?

Petition for writ of cert filed 9/2/25 by Peter Franklin Rose of Office of Public Defender, Baltimore, Md.

## Contract Law

### 25-310 J.A. Masters Investments v. Beltrami

**Fifth Amendment—jury instructions—14th Amendment.**

Ruling below (5th Cir., 2025 BL 2140, unpublished):

The court affirms the district court's grant of the respondent's posttrial motion for a judgment as a matter of law regarding the petitioners' failure to show a material misrepresentation involving a soccer match and their breach of a business sale agreement, vacates the award of attorney fees to the respondent, and remands for further proceedings.

Question(s) Presented: Among the questions presented are: (1) Whether a federal court sitting in diversity may deny a party the right to present the equitable defense of impossibility to the jury—despite uncontroverted evidence and the absence of any express waiver—solely because the contract contains a one-sided force majeure clause that is silent on equitable defenses, indirect conflict with the decisions of the Fourth and Seventh Circuits and in violation of the Fifth and Seventh Amendments; (2) Whether a federal court may disregard mandatory state jury instructions, particularly those related to the legally required measure of damages under substantive state law (Texas), in diversity cases without violating the litigant's rights to due process and a fair trial under the Fifth and 14th Amendments and the Erie doctrine.

Petition for cert filed 6/2/25 by Ernest G. Ianetti, Randolph, N.J.

## Criminal Law

### 25-289 Bah v. U.S.

**Criminal evidence—mitigation evidence.**

Ruling below (5th Cir., 2025 BL 129798):

The court denies the defendant's motion for a certificate of appealability to challenge the dismissal of his 28 U.S.C. §2255 motion.

Question(s) Presented: What duties, if any, does an attorney owe his client when counsel is aware the client is acutely mentally ill and that client instructs counsel not to investigate mitigation evidence?

Petition for cert filed 9/10/25 by Niles Stefan Illich of Palmer Perlstein, Addison, Texas.

### 25-290 Odeku v. Texas

**Criminal evidence—sexual assault—Sixth Amendment—confrontation clause.**

Ruling below (Tex. App., 2025 BL 130023):

The court affirms the trial court's ruling and holds that it did not err in admitting extraneous-offense from a sexual assault nurse examiner about another alleged sexual assault during the appellant's sexual assault trial.

Question(s) Presented: Are a complainant's statements to a sexual assault nurse examiner testimonial for purposes of the Sixth Amendment's Confrontation clause?

Petition for cert filed 9/11/25 by Stephen Andrew Aslett of The Aslett Law Firm PLLC, Houston, Texas.

### 25-294 Sandoval-Rodriguez v. U.S.

**Criminal evidence—murder in aid of racketeering—reasonable doubt.**

Ruling below (4th Cir., 2025 BL 125312, unpublished):

The court affirms the convictions for murder in aid of racketeering and conspiracy to commit murder in aid of racketeering.

Question(s) Presented: Whether trial judges must define "reasonable doubt" for the jury upon the defendant's request.

Petition for writ of cert filed 9/11/25 by Jo-Ann Tamila Sagar of Hogan Lovells US LLP, Washington, D.C.

**25-304 Koelemij v. Dixon**

**Habeas corpus—certificate of appealability—right to fair trial—14th Amendment.**

Ruling below (11th Cir., 2025 BL 161868):

The court denies the motion for a certificate of appealability claiming a state trial court erred by denying his motions for a new trial, and seeking to disqualify the judge who rebuked him, finding that the judge's comments didn't establish bias or prejudice, and that counsel said the judge's comments didn't prejudice him.

Question(s) Presented: Whether the court of appeals improperly denied the petitioner a certificate of appealability on his 28 U.S.C. §2254 claim that he was denied his constitutional right to a fair trial as a result of the state trial court rebuking the petitioner and then defense counsel in the presence of the jury.

Petition for cert filed 9/09/25 by Michael Ufferman, Tallahassee, Fla.

**25-306 Spellissy v. U.S.**

**Criminal appeals—Honest services fraud—18 U.S.C. §§1346 and 371—government contractors.**

Ruling below (11th Cir., 2025 BL 219712, unpublished):

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

Question(s) Presented: Whether a private contractor who holds no formal government position and lacks inherent governmental responsibility, can be convicted of conspiracy to commit honest services fraud under 18 U.S.C. §§1346 and 371, based on a bribery theory rejected by the trial court and without any agreement to perform an "official act."

Petition for cert filed 9/10/25 by Thomas F. Spellissy, pro se, Clearwater, Fla.

**25-318 Mumaw v. McGinley**

**Habeas corpus—certificate of appealability.**

Ruling below (3d Cir., 5/20/25):

The court denies the request for a certificate of appealability.

Question(s) Presented: (1) Whether the Third Circuit Court of Appeals erred in denying the petitioner's certificate of appealability; (2) Whether the district court should have granted the petitioner's petition for writ of habeas corpus.

Petition for writ of cert filed 9/15/25 by Andrew Joseph Katsock, Wilkes-Barre, Pa.

**25-322 Kuperschmidt v. Angradi**

**Habeas corpus—certificate of appealability.**

Ruling below (3d Cir., 2025 BL 265173):

The court denies the request for a certificate of appealability.

Question(s) Presented: (1) Was the Pennsylvania appellate court rule on which the district court relied to find procedural default a "firmly established" and "consistently followed" one within habeas precedent?; (2) Can the "in custody" requirement ever be waived or excused?

Petition for writ of cert filed 9/15/25 by Michael James Confusione of Hegge & Confusione, Mullica, N.J.

**Election Law****25-301 Marshall v. Wisconsin Elections Commission**

**Electoral college—pledged candidates.**

Ruling below (7th Cir., 2025 BL 92229, unpublished):

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

Question(s) Presented: Is not states' premature adjudication of qualifications of elector candidates' pledged candidates unconstitutional and violation of the foundational principles of the electoral college and how presidential elections are to be run?

Petition for writ of cert filed 8/13/25 by Frank Marshall, pro se, Green Bay, Wis.

**Employment Discrimination****25-303 Cook County, Ill. v. Nawara**

**Disabilities discrimination—Americans with Disabilities Act—seniority—back pay.**

Ruling below (7th Cir., 132 F.4th 1031, 2025 BL 109757):

The court affirms the district court's restoration of an employee's seniority, and reverses in remands the denial of back pay.

Question(s) Presented: Does the Americans with Disabilities Act allow an employer to be held liable for discrimination on the basis of disability where the employee has no physical or mental impairment and is not regarded as having such an impairment?

Petition for writ of cert filed 9/12/25 by George David Sax of Scharf Banks Marmor LLC, Chicago, Ill.

**Environment****25-291 Georgia-Pacific Consumer Prods. LP v. Int'l Paper Co. Inc**

**Toxic substances and hazardous materials—CERCLA §107(a).**

Ruling below (6th Cir., 136 F.4th 690, 2025 BL 160709):

The court vacates the district court's re-entry of declaratory judgment for plaintiffs under CERCLA §107(a).

Question(s) Presented: Among the questions presented are: (1) Does the theoretical availability of a contribution action under CERCLA §113(f) foreclose recovery of costs under CERCLA §107(a), even where all of §107(a)'s statutory criteria are satisfied?; (2) Does a bare declaratory judgment that determines liability but imposes no "costs" and awards no "damages" count as a "judgment ... for recovery of such costs or damages" that triggers the three-year statute of limitations for §113(f) actions?

Petition for cert filed 9/10/25 by Noel John Francisco of Jones Day, Washington, D.C.

**25-320 Alaska v. U.S.**

**Alaska National Interest Lands Conservation Act—rural subsistence priority.**

Ruling below (9th Cir., 2025 BL 294782):

The court affirms the lower court's decision granting summary judgment to the U.S. and the intervenors and entering a permanent injunction precluding Alaska from taking actions that interfere with federal efforts to implement ANILCA's rural subsistence priority.

Question(s) Presented: Whether the United States can regulate fishing on Alaska's navigable waters under the Alaska National Interest Lands Conservation Act, when its statutory authority is limited to "public lands" and that term is defined as "lands, waters, and interests therein ... the title to which is in the United States."

Petition for writ of cert filed 9/17/25 by John Michael Connolly of Consovoy McCarthy PLLC, Arlington, Va.

**Native American Law****25-313 Chinook Indian Nation v. Burgum**

**List Act—tribal recognition.**

Ruling below (9th Cir., 2025 BL 209473, unpublished):

The court affirms the district court's dismissal of the petitioners' suit for presenting a non-justiciable political question, because their argument is premised on a List Act misinterpretation.

Question(s) Presented: Does a federal court have jurisdiction to recognize the existence of an Indian tribe where the findings in the Indian Tribe List Act, Public Law 103-454, sec.103(3), provide that "Indian Tribes presently may be recognized by ... a decision of a United States court," and no other federal statute addresses the question of tribal recognition?

Petition for cert filed 9/12/25 by James S. Coon of Thomas, Coon, Newton & Frost, Portland, Oregon.

**Patents****25-308 Lynk Labs Inc. v. Samsung Electronics Co. Ltd.**

**Obviousness—prior art determination—light emitting diodes.**

Ruling below (Fed. Cir., 125 F.4th 1120, 2025 U.S.P.Q.2d 92, 2025 BL 11111):

The court affirms the PTAB's decision that petitioner's published patent application is deemed prior art in inter partes review as of the application's filing date, and affirms the board's obviousness determination.

Question(s) Presented: Whether patent applications that become publicly accessible only after the challenged patent's critical date are prior art printed publications within the meaning of 35 U.S.C. §311(b).

Petition for cert filed 9/12/25 by Jeffrey A. Lamken of Molo-Lamken LLP, Washington, D.C.

## Tax

### 25-300 Goddard v. U.S.

*Individual income tax—IRS summons—bad faith—jurisdiction.*

Ruling below (9th Cir., 2025 BL 200852, unpublished):

The court affirms the district court's dismissal and denial of a petition to quash a summons issued by the Internal Revenue Service.

Question(s) Presented: (1) Whether a law firm can be denied the opportunity to challenge an IRS summons for law firm trust account records based solely on an IRS declaration which states only in general terms that the summons would aid IRS in the collection of taxes owed by a law firm employee; (2) Whether an allegation of bad faith actions by an IRS employee that were approved by an IRS manager is sufficient to show bad faith by the agency thereby requiring an evidentiary hearing.

Petition for writ of cert filed 9/9/25 by Bradley A. Patterson of LGI LLP, Irvine, Calif.

## Torts

### 25-295 WG/Welch Mechanical Contractors LLC v. International Association of Sheet Metal, Air, Rail & Transportation Workers

*Defamation—malicious defamation—labor law—pleadings.*

Ruling below (4th Cir., 2025 BL 204977, unpublished):

The court affirms the district court's judgment dismissing the case.

Question(s) Presented: (1) Whether the plaintiff of a malicious defamation claim must plead facts that directly reveal a defendant's subjective state of mind, or whether the pleading standard is satisfied when the complaint plausibly alleges that the defendant was the likely organizer of inherently malicious attacks; (2) Whether a defamation claim may be dismissed on the ground that the contested speech comprised individual statements that are individually true or opinion, even when that speech implies false and defamatory facts about the plaintiff.

Petition for writ of cert filed 9/11/25 by Richard J. Cromer of Leech Tishman Fuscaldo & Lampl LLC, Pittsburgh, Pa.

### 25-315 Salyers v. Walker

*Trespass—property—equal protection—due process.*

Ruling below (Mich. Ct. App., 2025 BL 121642, unpublished):

The court affirms the lower court's judgment in favor of the plaintiff in this action for trespass and removal of trees on a 79-acre parcel of land.

Question(s) Presented: The following is representative of the questions presented: (1) Did the State of Michigan by its judiciary violate petitioner's due process and equal protection rights by ruling contrary to the binding rule of law that resulted in a legally/factually impossible ruling when property trespass damages were ordered against petitioner Silas Salyers, the deed holder and the property record owner, and to respondent Walker, who as courts con-

firmed has no transfer deed in his name?; (2) Did the State of Michigan by its judiciary violate due process/equal protection rights and the U.S. Constitution contract clause when they declared null and void petitioner's property documents, while respondent filed no complaint regarding such deeds and while petitioner's counsel was heavily (\$3,500) fined despite compliance with orders and ordered to pay \$2,500 to respondent's attorney to prepare the document actually prepared by the petitioner's attorney?

Petition for writ of cert filed 9/8/25 by Elena A. Paremsky, Williamston, Mich.

## Trusts and Estates

### 25-307 Ayub v. Pacheco

*International comity—probate of foreign will—dual-citizen decedent.*

Ruling below (Tex. App., 2024 BL 213486):

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) Under international comity, is it permissible for a state probate court served with a dual-citizen decedent's valid last will and letters rogatory from the foreign court having in rem jurisdiction, to completely disregard the foreign court's jurisdiction and request for assistance, and to punish the dual-citizen heir personally for effecting service of the documents?; (2) Is it a violation of constitutional due process and vested testamentary and property rights for state courts, when requested to enter a valid last will from a foreign court with jurisdiction to probate, to instead suppress that will?; (3) Does Texas Estates Code §501.001 unconstitutionally bar valid foreign wills of domiciled decedents from adjudication in Texas courts?

Petition for cert filed 9/08/25 by Alfonso E. Chavez Ayub, pro se, Encino, Calif.

### 25-321 Stengel v. Heartland Bank

*Fraud—due process.*

Ruling below (Neb. Ct. App., 2025 BL 59628):

The court appeals the district court's order dismissing the fraud claim for failure to state a claim.

Question(s) Presented: (1) Whether a state probate rule barring a personal representative from invoking the discovery rule for fraud claims, based on the representative's knowledge rather than the decedent's, violates the due process clause of the 14th Amendment when the decedent was fraudulently induced to act and the fraud could not have reasonably been discovered due to active concealment by the defendant; (2) Whether a state court's refusal to permit amendment of a complaint to allege fraudulent concealment violates the constitutional right of access to courts where the fraud claim otherwise could not be discovered before the decedent's death.

Petition for writ of cert filed 7/10/25 by Darik J. Von Loh of Hernandez Frantz, Von Loh, Lincoln, Neb.

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