(ORDER LIST: 577 U.S.)

MONDAY, MARCH 7, 2016

CERTIORARI -- SUMMARY DISPOSITIONS

14-741 SELF-INSURANCE INST. OF AMERICA V. SNYDER, GOV. OF MI, ET AL.

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 Sixth Circuit for further consideration in light of *Gobeille* v. *Liberty Mut. Ins. Co.,* 577 U. S. ___ (2016).

14-824) CARP, RAYMOND C. V. MICHIGAN
)
14-8106) DAVIS, CORTEZ R. V. MICHIGAN

The motion of petitioner in No. 14-8106 for leave to proceed *in forma pauperis* is granted. The petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the Supreme Court of Michigan for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in these cases: The Court has held the petitions in these and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding these petitions and now vacating and remanding the judgment below, the Court has not assessed whether petitioners' asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition

of these petitions does not reflect any view regarding petitioners' entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioners forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioners' sentences actually qualify as mandatory life without parole sentences.

14-1068 TYLER, GARY V. LOUISIANA

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the 29th Judicial District Court of Louisiana, Parish of St. Charles for further consideration in light of *Montgomery* v. *Louisiana,* 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example,

entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-1196 LEWIS, CHARLES V. MICHIGAN

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Supreme Court of Michigan for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-1248 JONES, DONTE L. V. VIRGINIA

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Supreme

Court of Virginia for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-1478 SANCHEZ, DAVID J. V. PIXLEY, WARDEN

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 Fourth Circuit for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S.

___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-6673 TOLLIVER, RODNEY V. LOUISIANA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Supreme Court of Louisiana for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition

does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-8047 TAPP, THILERO V. LOUISIANA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeal of Louisiana, Fourth Circuit for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether

petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-9077 BURGOS, JOSE M. V. MICHIGAN

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Circuit Court of Michigan, Wayne County for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-9521 COOK, ROBERT C. V. MICHIGAN

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

The judgment is vacated, and the case is remanded to the Court of Appeals of Michigan for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-9712 RILEY, BYRON V. LOUISIANA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeal of Louisiana, First Circuit for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the

decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-9941 YOUNG, DWAINE V. LOUISIANA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeal of Louisiana, Third Circuit for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of

this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

14-9998 GIBSON, ALBERT V. LOUISIANA

14-10142 WILLIAMS, BARRY V. LOUISIANA

15-5004 JACOBS, LAWRENCE V. LOUISIANA

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the Supreme Court of Louisiana for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in these cases: The Court has held the petitions in these and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding these petitions and now vacating and remanding the judgments below, the Court has not assessed whether petitioners' asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of these petitions does not reflect any view regarding petitioners' entitlement to relief. The Court's disposition does not, for example, address whether an adequate

and independent state ground bars relief, whether petitioners forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioners' sentences actually qualify as mandatory life without parole sentences.

15-5278 LIVAS, GLENN V. LOUISIANA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeal of Louisiana, Fourth Circuit for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

15-5310 CONTRERAS, JASON M. V. DAVIS, WARDEN

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

15-5749 CLICK, JIMMY S. V. ALABAMA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court

of Criminal Appeals of Alabama for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

15-6030 MARTIN, LaMONTE R. V. SMITH, WARDEN

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are 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 *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this

case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

15-6251 WILLIAMS, JIMMY V. ALABAMA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Supreme Court of Alabama for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented

in the case." *Id.*, at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

15-6278 WILSON, HARRIS V. ALABAMA

15-6283 MATTHEWS, KEITH V. ALABAMA

15-6287 DUNLAP, DENNIS V. ALABAMA

15-6288 BLACK, CHARLES E. V. ALABAMA

15-6297 PRATT, CHARLES V. V. ALABAMA

15-6299 STUBBS, TIMOTHY V. ALABAMA

15-6303 REEVES, JULIUS V. ALABAMA

15-6304 GARDNER, WILLIE L. V. ALABAMA

15-6305 HOGAN, EARNEST J. V. ALABAMA

15-6307 IIAMS, NICHOLAS V. ALABAMA

15-6308 FOSTER, BRANDON S. V. ALABAMA

15-6309 FLYNN, ANTONIO V. ALABAMA

15-6310 INGRAM, GERALD H. V. ALABAMA

15-6317 FORMAN, RICHARD V. ALABAMA

15-6319 McWILLIAMS, EMANUEL V. ALABAMA

15-6326 STOREY, BRIAN R. V. ALABAMA

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the

Court of Criminal Appeals of Alabama for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in these cases: The Court has held the petitions in these and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding these petitions and now vacating and remanding the judgments below, the Court has not assessed whether petitioners' asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of these petitions does not reflect any view regarding petitioners' entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioners forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioners' sentences actually qualify as mandatory life without parole sentences.

15-6584 THOMPSON, STAFON E. V. ROY, COMM'R, MN DOC

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are 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 *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in this case: The

Court has held the petition in this and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioner's sentence actually qualifies as a mandatory life without parole sentence.

15-7255 BAKER, ALBERT V. ALABAMA

15-7441 DUKE, MARK V. ALABAMA

15-7550 PRESLEY, MARCUS D. V. ALABAMA

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the Court of Criminal Appeals of Alabama for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016).

Justice Thomas, with whom Justice Alito joins, concurring in the decision to grant, vacate, and remand in these cases: The Court has held the petitions in these and many other cases pending the decision in *Montgomery* v. *Louisiana*, 577 U. S. ___ (2016). In holding these petitions and now vacating and

remanding the judgments below, the Court has not assessed whether petitioners' asserted entitlement to retroactive relief "is properly presented in the case." *Id.,* at ___ (slip op., at 13). On remand, courts should understand that the Court's disposition of these petitions does not reflect any view regarding petitioners' entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioners forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petitioners' sentences actually qualify as mandatory life without parole sentences.

ORDERS IN PENDING CASES

15M88 VEHICLE INTELLIGENCE AND SAFETY V. MERCEDES-BENZ USA, ET AL.

The motion of Kevin Roe, *pro se*, to direct the Clerk to file a petition for a writ of certiorari on behalf of *Vehicle Intelligence and Safety* is denied.

14-1091 DOW CHEMICAL COMPANY V. INDUSTRIAL POLYMERS, INC., ET AL.

The joint motion to hold petition in abeyance is granted.

14-1457 BETTERMAN, BRANDON THOMAS V. MONTANA

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

14-9496 MANUEL, ELIJAH V. JOLIET, IL, ET AL.

The motion of petitioner for appointment of counsel is granted and Stanley B. Eisenhammer, Esquire, of Arlington Heights, Illinois, is appointed to serve as counsel for the petitioner in this case.

15-446 CUOZZO SPEED TECHNOLOGIES V. LEE, MICHELLE K.

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

15-474 McDONNELL, ROBERT F. V. UNITED STATES

The motion of petitioner to deem the Court of Appeals joint appendix and supplemental appendix as the joint appendix in this Court is granted.

15-7091 JOHNSON, BART W. V. ALABAMA

The respondent is requested to file a response to the petition for rehearing within 30 days.

15-7304 RAUSO, GENNARO V. UNITED STATES

15-7406 WILLIAMS, TERRANCE V. UNITED STATES

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

15-7431 LIEBESKIND, MARC V. RUTGERS UNIVERSITY, ET AL.

15-7602 READE, WILLIAM F. V. GALVIN, WILLIAM F., ET AL.

15-7610 JOHNSSON, MARGARET A. V. RITTMANIC, MARK B.

15-7645 MUATHE, ERIC M. V. FIFTH THIRD BANK, ET AL.

15-7840 HANSEN, KATHLEEN V. DEPT. OF ARMY

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 28, 2016, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

15-276 KANSAS V. DULL, BRYCE M.

15-380 SALEM FINANCIAL, INC. V. UNITED STATES

15-438 ALLIANCE OF AUTO MANUFACTURERS V. CURREY, MELODY A., ET AL.

15-460 ONE BEACON INS. CO., ET AL. V. UNITED STATES

15-478 AMERICAN INTERNATIONAL GROUP V. UNITED STATES

15-517) LOPEZ, GILBERT V. UNITED STATES
)
15-6608) KUHRT, MARK V. UNITED STATES

15-551 EASON, RICKY N. V. HUNTINGTON INGALLS INDUSTRIES

15-563 SHAMMAS, MILO V. HIRSHFELD, COMM'R FOR PATENTS

15-565 APPLE, INC. V. UNITED STATES, ET AL.

15-572 BANK OF NEW YORK MELLON V. CIR

15-715 ADAR 980 REALTY V. SOFER, AVRAHAM, ET AL.

15-720 BILL, DANIEL, ET AL. V. BREWER, WARREN, ET AL.

15-735 BNSF RAILWAY COMPANY V. FAIR, DELTON R.

15-741 KELLEY, DIR., AR DOC V. GORDON, ULONZO

15-841 DIXON, CARL J. V. COLUMBIA ASSOCIATION, INC.

15-844 EWING INDUSTRIES CORPORATION V. BOB WINES NURSERY, INC., ET AL.

15-845 DAHMS, CHARLES V. ILLINOIS

15-852 CLELAND, BRANDON, ET AL. V. BAYNES, ALAN

15-854 PADULA--WILSON, AMANDA V. WILSON, MICHAEL G.

15-878 CHINWEZE, INNOCENT O. V. BANK OF AMERICA, N.A.

15-883 RUIZ-VIDAL, JOSE R. V. LYNCH, ATT'Y GEN.

15-890 KENTUCKY V. ROUSE, ANTWAN D.

15-902 NANIC, HAZRET, ET UX. V. LYNCH, ATT'Y GEN.

15-920 WAHAB, CHASSIB K. V. ESTEE LAUDER COMPANIES, INC.

15-943 TOWLE, MARK V. DC COMICS

15-970 BALDEO, ALBERT V. UNITED STATES

15-972 DELACRUZ, DANIEL V. STATE BAR OF CA

15-5810) CROWE, RAYNARD V. V. UNITED STATES
)
15-5979) WINGATE, ALFRED R. V. UNITED STATES

15-6479 KELLY, ANDREAS J. V. SWARTHOUT, WARDEN

15-6520 WILSON, GENERAL GRANT V. WISCONSIN

15-6568 MALIK, MOHAMMED I. V. UNITED STATES

15-6691 LITTLE, TERRY L. V. UNITED STATES

15-6768 HODGES, CORTEZ T. V. UNITED STATES

15-7153 SUTEERACHANON, RUNGRUDEE V. McDONALD'S RESTAURANTS OF MD

15-7222 WONG, HONG LEE V. UNITED STATES

15-7554 HARTLEY, KENNETH V. FLORIDA

15-7556 HENDERSON, MICHAEL J. V. ARTUS, SUPT., ATTICA

15-7566 DREIBELBIS, TERRY V. WENEROWICZ, SUPT., GRATERFORD

15-7569 HARRIS, FRANK V. BITER, WARDEN

15-7574 WHITT, JOHN A. V. SLEEPY HOLLOW GOLF CLUB, INC.

15-7577 BRANTLEY, ANTIONE V. ILLINOIS

15-7578 RUSS, ROY V. WITHROW, ROBERT

15-7585 GILES, HERBERT V. HAAS, WARDEN

15-7587 LAWSON, GEOFFREY L. V. CAMPBELL, WARDEN

15-7588 JOHNSON, THOMAS V. CAMPBELL, WARDEN

15-7589 LAMBERT, ANDREW J. V. MICHIGAN

15-7590 LISENBY, BILLY L. V. COHEN, WARDEN

15-7592 POTVIN, ANDREW F. V. POWERS, JERRY, ET AL.

15-7593 OTYANG, VINCENT V. SAN FRANCISCO, CA, ET AL.

15-7595 NELSON, SALUTA, ET AL. V. LOUISE, MAYOR, ET AL.

15-7596 PITTS, RONALD D. V. QUILTER, J. BERNIE, ET AL.

15-7597 GREEN, GERALD A. V. HILL, WARDEN

15-7598 STRAND, MICHAEL V. NUPETCO ASSOCIATES, LLC

15-7605 MUBITA, KANAY V. BLADES, WARDEN

15-7613 SANCHEZ, RICARDO E. V. STEPHENS, DIR., TX DCJ

15-7616 HOLLAND, JAMES V. RIVARD, WARDEN

15-7617 GUERRERO, VICENTE V. ILLINOIS

15-7618 HOLMES, MATTELLA V. STEPPIG MANAGEMENT

15-7619 SPENCER, RANDY L. V. FLORIDA

15-7620 CALDERON-LOPEZ, RICARDO J. V. GUMUSHYAN, TIGRAN, ET AL.

15-7621 MIMS, KENNETH V. CAIN, WARDEN

15-7627 WINFIELD, CAROLYN V. UNIV. OF CHICAGO MEDICAL CENTER

15-7628 VALENTINE-MORALES, JOED V. MOONEY, SUPT., COAL TOWNSHIP

15-7636 LONG, RAYMOND O. V. QUALLS, WARDEN

15-7638 LORDMASTER, FRANKIE J. V. EPPS, KEITH, ET AL.

15-7641 AGUIRRE, HECTOR M. V. *MONTGOMERY*, WARDEN

15-7646 SPENCER, RANDY V. OLIN, MELISSA, ET AL.

15-7648 MAMMEN, ROBERT H. V. CHAPMAN, JUDGE, ETC.

15-7650 SUERO, ROGEL I. V. PENNSYLVANIA

15-7651 ROMERO, TRINITY J. V. COLORADO

15-7652 JAMES, AARON T. V. PHILLIPS, WARDEN

15-7655 TROGLIN, NELSON V. COOK, WARDEN

15-7657 McDONALD, DONALD L. V. ILLINOIS

15-7658 SACKS, AARON D. V. SHOPRITE SUPERMARKETS

15-7665 BLAKE, PRESTON J. V. WRIGLEY, WARDEN, ET AL.

15-7711 DIXON, GREGORY V. AYERS, WARDEN

15-7747 NY, VISITH V. LIND, RANDY, ET AL.

15-7782 WRIGHT, LORETTA V. BANK OF AMERICA, N.A., ET AL.

15-7785 SZABO, KATALIN V. GOLDFARB, ALLAN

15-7791 JAMES, FRIDAY V. UNITED STATES

15-7826 BONEY, WILLIAM V. UNITED STATES

15-7837 BROWN, WILLIAM B. V. MANSUKHANI, WARDEN

15-7853 SAINT-SURIN, ANTOINE F. V. UNITED STATES

15-7862 COLLINS, BRIAN H. V. UNITED STATES

15-7864 BARNETT, DENNIS R. V. FOX, WARDEN

15-7867 BUTLER, JAMES V. USDC ED MI

15-7870 KIEFER, MARK R. V. UNITED STATES

15-7873 DANIELS, LAMIN L. V. UNITED STATES

15-7874 CHAFIN, RICHARD A. V. UNITED STATES

15-7877 SIMMONS, TODD V. UNITED STATES

15-7884 SPENCER, JOHN A. V. UNITED STATES

15-7890 WOODWARD, ELLO M. V. UNITED STATES

15-7895 MAYNOR, RICHARD K. V. UNITED STATES

15-7898 AVILA-CORREA, GEYEN V. UNITED STATES

15-7899 ANDREWS, ALBERT L. V. UNITED STATES

15-7906 NICHOLSON, DAMON D. V. UNITED STATES

15-7908 TORRES GUZMAN, IRVIN A. V. UNITED STATES

15-7916 BUMAGIN, SEMYON V. UNITED STATES

15-7917 WARREN, FELIX V. UNITED STATES

15-7922 DELGADO, LUIS A. V. UNITED STATES

15-7924 NAUGHTON, JEREMY V. UNITED STATES

15-7925 MYERS, LLOYD V. UNITED STATES

15-7930 DUDLEY, JOEL V. UNITED STATES

15-7947 FRANCES, ALBURY V. UNITED STATES

15-7951 RONDON, RAFAEL V. UNITED STATES

15-7961 JEAN-PIERRE, STEVEN V. UNITED STATES

15-7962 MADSEN, LAWRENCE V. UNITED STATES

15-7963 MARRERO, JUAN E. V. UNITED STATES

15-7966 McDONALD, NICHOLAS V. UNITED STATES

15-7975 CLAY, DONALD D. V. UNITED STATES

15-7976 SILER, RICHARD A. V. UNITED STATES

15-7979 SHOUMAN, MUJAHAD V. UNITED STATES

15-7983 HARLEY, DAVID L. V. UNITED STATES

15-7986 HARRELL, KENTON D. V. UNITED STATES

15-7990 KENNEDY, KEVIN J. V. UNITED STATES

15-7992 CHAPMAN, VERNON V. UNITED STATES

15-7996 WOMACK, CHRISTIAN D. V. USDC ED PA

15-7997 TASKOV, DRAGOMIR V. UNITED STATES

15-8011 ARNOLD, JASON P. V. UNITED STATES

15-8016 BARRERA-ESTRADA, GUSTAVO V. UNITED STATES

15-8021 HEDRICK, ROBERT L. V. UNITED STATES

15-8035 GUTIERREZ-JARAMILLO, JULIO C. V. UNITED STATES

15-8046 RAGHUNATHAN, SRIKANTH, ET AL. V. UNITED STATES

15-8053 ACCITUNO, MARIO L. V. UNITED STATES

15-8064 MEDINA, BRANDON L. V. UNITED STATES

15-8070 RAMOS, BALBINO V. UNITED STATES

15-8072 BROXON, DUSTI N. V. UNITED STATES

15-8073 TIPPINS, DEONDRAI A. V. UNITED STATES

15-8075 PEREZ, MICHAEL V. UNITED STATES

15-8115 DAVIS, DARLENE J. V. COMCAST CORP., INC., ET AL.

The petitions for writs of certiorari are denied.

14-639 NEW HAMPSHIRE V. SOTO, MICHAEL, ET AL.

The motion of respondents Robert Dingman and Eduardo Lopez, Jr., for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

14-1472 CONNECTICUT V. RILEY, ACKEEM

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

15-238 SEMPLE, COMM'R, CT DOC V. CASIANO, JASON

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

15-870 FLORIDA V. GRIDINE, SHIMEEK D.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

15-5798 SCHWAGER, JOSHUA V. SCHWAGER, CHANA A.

The motion of petitioner to defer consideration of the petition for a writ of certiorari is denied. The petition for a writ of certiorari is denied.

15-7571 HAMILTON, JAN B. V. BIRD, DON, ET AL.

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

15-7612 LeBLANC, JEFFREY R. V. CORPORATE MARATHON

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.

15-7615 FOSTER, JOHN M. V. WILLIAMS, WARDEN

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*).

15-7631 WEBB, DAVID V. USDC UT

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.

15-8054 BLANCO, RAMON V. UNITED STATES

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

HABEAS CORPUS DENIED

15-8155 IN RE GREGORY JAMES SHIVER

15-8182 IN RE RODOLFO ORTIZ

15-8193 IN RE CHARLES R. GETZ

15-8198 IN RE SHAWN KEVIN SMAAGE

The petitions for writs of habeas corpus are denied.

15-8143 IN RE ALEJANDRO RODRIGUEZ

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus 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*).

MANDAMUS DENIED

15-7517 IN RE JIMMIE WHITE, II

15-7659 IN RE KEVIN D. RAY

15-7843 IN RE ANTHONY L. VIOLA

15-7956 IN RE ROBERT L. HEDRICK

The petitions for writs of mandamus are denied.

15-7591 IN RE JACK R. KOCH

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of mandamus and/or prohibition 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*).

PROHIBITION DENIED

15-8052 IN RE PATRICK BOYD

The petition for a writ of prohibition is denied.

REHEARINGS DENIED

15-593 TESLER, MICHAEL V. CACACE, SUSAN, ET AL.

15-633 DUFF, TYRONE, ET UX. V. LEWIS, RICHARD W., ET AL.

15-663 KRATZ, JEFFREY F. V. CITIMORTGAGE INC.

15-691 ARUNACHALAM, LAKSHMI V. JPMORGAN CHASE & CO.

15-6075 FLETCHER, TIMOTHY W. V. FLORIDA

15-6211 WHITE, JOSEPH V. DETROIT EAST COMM. MENTAL HEALTH

15-6633 BARNETT, THERESA V. CROCKETT, DAVID S., ET AL.

15-6696 HOSKINS, WALTER V. FAYRAM, WARDEN

15-6718 RODRIGUEZ, DEAN C. V. BEARD, SEC. CA DOC

15-6787 RASHID, AMIN A. V. ORTIZ, WARDEN

15-6876 L. B. V. S. T., ET AL.

15-7104 LEVITAN, DANIEL J. V. MORGAN, SHERIFF

15-7235 ADAMS, MARVIN L. V. UNITED STATES

The petitions for rehearing are denied.

15-5579 FLORES-PEREZ, CIRILO V. UNITED STATES

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

ATTORNEY DISCIPLINE

D-2837 IN THE MATTER OF DISBARMENT OF JOHN H. WYMAN

John H. Wyman, of Plymouth, Massachusetts, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that John H. Wyman is disbarred from the practice of law in this Court.

D-2838 IN THE MATTER OF DISBARMENT OF DANIEL A. BECK

Daniel A. Beck, of Saluda, North Carolina, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Daniel A. Beck is disbarred from the practice of law in this Court.

D-2839 IN THE MATTER OF DISBARMENT OF MARK H. ALLENBAUGH

Mark H. Allenbaugh, of Conneaut, Ohio, having been suspended from the practice of law in this Court by order of November 2,

2015; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Mark H. Allenbaugh is disbarred from the practice of law in this Court.

D-2840 IN THE MATTER OF DISBARMENT OF CHARLES JEFFREY BROIDA

Charles Jeffrey Broida, of Ellicott City, Maryland, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Charles Jeffrey Broida is disbarred from the practice of law in this Court.

D-2841 IN THE MATTER OF DISBARMENT OF LAURENCE M. STARR

Laurence M. Starr, of West Roxbury, Massachusetts, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Laurence M. Starr is disbarred from the practice of law in this Court.

D-2842 IN THE MATTER OF DISBARMENT OF DOUGLAS FREDERICK TRACIA

Douglas Frederick Tracia, of Wakefield, Massachusetts, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Douglas Frederick Tracia is disbarred from the practice of law in this Court.

D-2843 IN THE MATTER OF DISBARMENT OF RICHARD S. HANLON

Richard S. Hanlon, of Bayonne, New Jersey, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Richard S. Hanlon is disbarred from the practice of law in this Court.

D-2844 IN THE MATTER OF DISBARMENT OF JENNY R. ARMSTRONG

Jenny R. Armstrong, of Madison, Wisconsin, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Jenny R. Armstrong is disbarred from the practice of law in this Court.

D-2845 IN THE MATTER OF DISBARMENT OF PATRICIA JAMIE DORAN

Patricia Jamie Doran, of San Francisco, California, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued her requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Patricia Jamie Doran is disbarred from the practice of law in this Court.

D-2846 IN THE MATTER OF DISBARMENT OF KEVIN PURCELL

Kevin Purcell, of Rocky River, Ohio, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Kevin Purcell is disbarred from the practice of law in this Court.

D-2847 IN THE MATTER OF DISBARMENT OF PAUL STEPHEN KORMANIK

Paul Stephen Kormanik, of Columbus, Ohio, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Paul Stephen Kormanik is disbarred from the practice of law in this Court.

D-2849 IN THE MATTER OF DISBARMENT OF ROBERT LANGSTON WILLIAMS

Robert Langston Williams, of Pittsburgh, Pennsylvania, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Robert Langston Williams is disbarred from the practice of law in this Court.

D-2850 IN THE MATTER OF DISBARMENT OF PETER FLOYD ANDERSON, JR.

Peter Floyd Anderson, Jr., of Garnerville, New York, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Peter Floyd Anderson, Jr. is disbarred from the practice of law in this Court.

D-2853 IN THE MATTER OF DISBARMENT OF JAMES MARSHALL BIDDLE

James Marshall Biddle, of Myrtle Beach, South Carolina, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that James Marshall Biddle is disbarred from the practice of law in this Court.

D-2855 IN THE MATTER OF DISBARMENT OF DANIEL JAMES HALLORAN, III

Daniel James Halloran, III, of Flushing, New York, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Daniel James Halloran, III is disbarred from the practice of law in this Court.

D-2856 IN THE MATTER OF DISBARMENT OF DEAN GARY WEBER

Dean Gary Weber, of Hauppauge, New York, having been suspended from the practice of law in this Court by order of November 2, 2015; and a rule having been issued requiring him to

show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Dean Gary Weber is disbarred from the practice of law in this Court.

SUPREME COURT OF THE UNITED STATES

MICHAEL WEARRY *v.* BURL CAIN, WARDEN

ON PETITION FOR WRIT OF CERTIORARI TO THE DISTRICT COURT OF LOUISIANA, LIVINGSTON PARISH

No. 14–10008. Decided March 7, 2016

PER CURIAM.

Michael Wearry is on Louisiana's death row. Urging that the prosecution failed to disclose evidence supporting his innocence and that his counsel provided ineffective assistance at trial, Wearry unsuccessfully sought postconviction relief in state court. Contrary to the state postconviction court, we conclude that the prosecution's failure to disclose material evidence violated Wearry's due process rights. We reverse the state postconviction court's judgment on that account, and therefore do not reach Wearry's ineffective-assistance-of-counsel claim.

I

A

Sometime between 8:20 and 9:30 on the evening of April 4, 1998, Eric Walber was brutally murdered. Nearly two years after the murder, Sam Scott, at the time incarcerated, contacted authorities and implicated Michael Wearry. Scott initially reported that he had been friends with the victim; that he was at work the night of the murder; that the victim had come looking for him but had instead run into Wearry and four others; and that Wearry and the others had later confessed to shooting and driving over the victim before leaving his body on Blahut Road. In fact, the victim had not been shot, and his body had been found on Crisp Road.

Scott changed his account of the crime over the course of four later statements, each of which differed from the others in material ways. By the time Scott testified as the

State's star witness at Wearry's trial, his story bore little resemblance to his original account. According to the version Scott told the jury, he had been playing dice with Wearry and others when the victim drove past. Wearry, who had been losing, decided to rob the victim. After Wearry and an acquaintance, Randy Hutchinson, stopped the victim's car, Hutchinson shoved the victim into the cargo area. Five men, including Scott, Hutchinson, and Wearry, proceeded to drive around, at one point encountering Eric Brown—the State's other main witness—and pausing intermittently to assault the victim. Finally, Scott related, Wearry and two others killed the victim by running him over. On cross-examination, Scott admitted that he had changed his account several times.

Consistent with Scott's testimony, Brown testified that on the night of the murder he had seen Wearry and others with a man who looked like the victim. Incarcerated on unrelated charges at the time of Wearry's trial, Brown acknowledged that he had made a prior inconsistent statement to the police, but had recanted and agreed to testify against Wearry, not for any prosecutorial favor, but solely because his sister knew the victim's sister. The State commented during its opening argument that Brown "is doing 15 years on a drug charge right now, [but] hasn't asked for a thing." 7 Record 1723 (Tr., Mar. 2, 2002). During closing argument, the State reiterated that Brown "has no deal on the table" and was testifying because the victim's "family deserves to know." Pet. for Cert. 19.

Although the State presented no physical evidence at trial, it did offer additional circumstantial evidence linking Wearry to the victim. One witness testified that he saw Wearry in the victim's car on the night of the murder and, later, holding the victim's class ring. Another witness said he saw Wearry throwing away the victim's cologne. In some respects, however, these witnesses contradicted Scott's account. For example, the witness who

reported seeing Wearry in the victim's car did not place Scott in the car.

Wearry's defense at trial rested on an alibi. He claimed that, at the time of the murder, he had been at a wedding reception in Baton Rouge, 40 miles away. Wearry's girlfriend, her sister, and her aunt corroborated Wearry's account. In closing argument, the State stressed that all three witnesses had personal relationships with Wearry. The State also presented two rebuttal witnesses: the bride at the wedding, who reported that the reception had ended by 8:30 or 9:00 (potentially leaving sufficient time for Wearry to have committed the crime); and three jail employees, who testified that they had overheard Wearry say that he was a bystander when the crime occurred.

The jury convicted Wearry of capital murder and sentenced him to death. His conviction and sentence were affirmed on direct appeal.[1]

B

After Wearry's conviction became final, it emerged that the prosecution had withheld relevant information that could have advanced Wearry's plea. Wearry argued during state postconviction proceedings that three categories of belatedly revealed information would have undermined the prosecution and materially aided Wearry's defense at trial.

First, previously undisclosed police records showed that two of Scott's fellow inmates had made statements that cast doubt on Scott's credibility. One inmate had reported

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[1] Wearry argued, *inter alia*, that the trial court improperly denied his for-cause challenges, and that the prosecution discriminated on the basis of race in jury selection in violation of *Batson* v. *Kentucky*, 476 U. S. 79 (1986). Finding both jury-selection claims credible, then-Justice Johnson dissented from the affirmance of Wearry's conviction. *State* v. *Weary*, 2003–3067 (La. 4/2/06), 931 So. 2d 297, 328–337. (Wearry's name is misspelled in the direct-appeal case caption.)

hearing Scott say that he wanted to "'make sure [Wearry] gets the needle cause he jacked over me.'" *Id.*, at 22 (quoting inmate affidavit).[2] The other inmate had told investigators—at a meeting Scott orchestrated—that he had witnessed the murder, but this inmate recanted the next day. "Scott had told him what to say," he explained, and had suggested that lying about having witnessed the murder "would help him get out of jail." Pet. Exh. 13 in No. 01–FELN–015992, pp. 104, 107. See also Pet. for Cert. 22 (quoting police notes).

Second, the State had failed to disclose that, contrary to the prosecution's assertions at trial, Brown had twice

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[2] Illustrative of the liberties the dissent takes with the record is the assertion that "Scott blamed [Wearry] for putting him in the position of having to admit his own role in the events surrounding the murder." *Post,* at 2 (opinion of ALITO, J.). Introducing the inmate's statement, the dissent therefore suggests, might have "backfired by allowing the prosecution to return the jury's focus to a point the State emphasized often during trial, namely, that Scott's accusations were credible precisely because Scott had no motive to tell a story that was contrary to his own interests." *Id.,* at 2–3. True, according to the inmate, Scott had complained that his identification of Wearry had resulted in a lengthier prison term. The inmate, however, did not suggest that Scott was angry with Wearry *because* he had suffered adverse consequences as a result of Wearry's crime. Instead, the inmate separately stated that Scott "wouldn't tell me who did it"—*i.e.,* who killed Eric Walber—"but he said I'm gonna make sure Mike gets the needle cause he jacked over me." Pet. Exh. 13 in No. 01–FELN–015992, p. 103. See also *ibid.* ("If [Scott] would have told me who did this I would tell because I have a heart and what they did wasn't right"). Scott's refusal to identify Wearry as the culprit—while also endeavoring to "make sure Mike gets the needle," *ibid.*—suggests that Wearry did *not* commit the crime, but Scott had decided to bring him down anyway. Nor, contrary to the dissent, is there any reason to believe that Scott anticipated his participation in this case would cost him additional years in prison. Notably, in the first of his five accounts to police, Scott reported that he had not been present at the time of the murder and had learned about it only after the fact. Indeed, it is at least as plausible as the dissent's hypothesis that Scott believed implicating Wearry might win him early release on his existing conviction.

sought a deal to reduce his existing sentence in exchange for testifying against Wearry. The police had told Brown that they would "'talk to the D. A. if he told the truth.'" Pet. for Cert. 19 (quoting police notes).

Third, the prosecution had failed to turn over medical records on Randy Hutchinson. According to Scott, on the night of the murder, Hutchinson had run into the street to flag down the victim, pulled the victim out of his car, shoved him into the cargo space, and crawled into the cargo space himself. But Hutchinson's medical records revealed that, nine days before the murder, Hutchinson had undergone knee surgery to repair a ruptured patellar tendon. *Id.,* at 10–11, 15–16, 32.[3] An expert witness, Dr. Paul Dworak, testified at the state collateral-review hearing that Hutchinson's surgically repaired knee could not have withstood running, bending, or lifting substantial weight. The State presented an expert witness who disagreed with Dr. Dworak's appraisal of Hutchinson's physical fitness.

During state postconviction proceedings, Wearry also maintained that his trial attorney had failed to uncover exonerating evidence. Wearry's trial attorney admitted at the state collateral-review hearing that he had conducted no independent investigation into Wearry's innocence and had relied solely on evidence the State and Wearry had provided.[4] For example, despite Wearry's alibi, his attor-

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[3]The dissent emphasizes a State's witness' testimony that "Hutchinson had had surgery on his knee 'about nine days before the homicide happened.'" *Post,* at 4 (quoting 10 Record 2261 (Tr., Mar. 5, 2002)). But from this witness' statement, neither Wearry nor the jury had any way of knowing what the medical records would have revealed: Hutchinson had undergone a patellar-tendon repair rather than a routine minor procedure.

[4]Wearry's trial attorney did ask the public defender's investigator to look into the backgrounds of the State's witnesses and to speak with Wearry's family members. But the attorney testified at the collateral-review hearing that he did not know what persons the investigator

ney undertook no effort to locate independent witnesses from among the dozens of guests who had attended the wedding reception.

Counsel representing Wearry on collateral review conducted an independent investigation. This investigation revealed many witnesses lacking any personal relationship with Wearry who would have been willing to corroborate his alibi had they been called at trial. Collateral-review counsel's investigation also revealed that Scott's brother and sister-in-law would have been willing to testify at trial, as they did at the collateral-review hearing, that Scott was with them, mostly at a strawberry festival, until around 11:00 on the night of the murder.

Based on this new evidence, Wearry alleged violations of his due process rights under *Brady* v. *Maryland*, 373 U. S. 83 (1963), and of his Sixth Amendment right to effective assistance of counsel. Acknowledging that the State "probably ought to have" disclosed the withheld evidence, App. to Pet. for Cert. B–6, and that Wearry's counsel provided "perhaps not the best defense that could have been rendered," *id.,* at B–5, the postconviction court denied relief. Even if Wearry's constitutional rights were violated, the court concluded, he had not shown prejudice. *Id.,* at B–5, B–7. In turn, the Louisiana Supreme Court also denied relief. *Id.,* at A–1. Chief Justice Johnson would have granted Wearry's petition on the ground that he received ineffective assistance of counsel. *Id.,* at A–2.[5]

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contacted and, in any event, he had serious doubts about the investigator's qualifications and competence. Moreover, there is no indication that the investigator ever engaged in inquiries regarding Scott's background or his whereabouts on the night of the murder.

[5]Justice Crichton would have granted Wearry's petition and remanded for the trial court to address his claim of intellectual disability under *Atkins* v. *Virginia*, 536 U. S. 304 (2002). App. to Pet. for Cert. A–15. Wearry does not raise his *Atkins* claim in his petition for a writ of certiorari.

II

Because we conclude that the Louisiana courts' denial of Wearry's *Brady* claim runs up against settled constitutional principles, and because a new trial is required as a result, we need not and do not consider the merits of his ineffective-assistance-of-counsel claim. "[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Brady*, *supra*, at 87. See also *Giglio* v. *United States*, 405 U. S. 150, 153–154 (1972) (clarifying that the rule stated in *Brady* applies to evidence undermining witness credibility). Evidence qualifies as material when there is "'any reasonable likelihood'" it could have "'affected the judgment of the jury.'" *Giglio*, *supra*, at 154 (quoting *Napue* v. *Illinois*, 360 U. S. 264, 271 (1959)). To prevail on his *Brady* claim, Wearry need not show that he "more likely than not" would have been acquitted had the new evidence been admitted. *Smith* v. *Cain*, 565 U. S. 73, ___–___ (2012) (slip op., at 2–3) (internal quotation marks and brackets omitted). He must show only that the new evidence is sufficient to "undermine confidence" in the verdict. *Ibid.*[6]

Beyond doubt, the newly revealed evidence suffices to undermine confidence in Wearry's conviction. The State's trial evidence resembles a house of cards, built on the jury crediting Scott's account rather than Wearry's alibi. See *United States* v. *Agurs*, 427 U. S. 97, 113 (1976) ("[I]f the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt."). The dissent asserts

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[6] Given this legal standard, Wearry can prevail even if, as the dissent suggests, the undisclosed information may not have affected the jury's verdict.

that, apart from the testimony of Scott and Brown, there was independent evidence pointing to Wearry as the murderer. See *post,* at 5 (opinion of ALITO, J.). But all of the evidence the dissent cites suggests, at most, that someone in Wearry's group of friends may have committed the crime, and that Wearry may have been involved in events related to the murder *after* it occurred. Perhaps, on the basis of this evidence, Louisiana might have charged Wearry as an accessory after the fact. La. Rev. Stat. Ann. §14:25 (West 2007) (providing a maximum prison term of five years for accessories after the fact). But Louisiana instead charged Wearry with capital murder, and the only evidence directly tying him to that crime was Scott's dubious testimony, corroborated by the similarly suspect testimony of Brown.[7]

As the dissent recognizes, "Scott did not have an exemplary record of veracity." *Post,* at 3. Scott's credibility, already impugned by his many inconsistent stories, would have been further diminished had the jury learned that Hutchinson may have been physically incapable of performing the role Scott ascribed to him, that Scott had coached another inmate to lie about the murder and thereby enhance his chances to get out of jail, or that Scott may have implicated Wearry to settle a personal score.[8]

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[7] As for the three jailers who testified to overhearing Wearry call himself an "innocent bystander," *post,* at 4, so characterizing oneself is the opposite of an admission of guilt.

[8] Because the inmate who told police that Scott may have wanted to settle a score did so close to the end of trial, the State argues, the inmate's "statement was probably . . . never seen by anyone involved with the actual trial until . . . it was [all] over, i[f] at all." Brief in Opposition 18. But "*Brady* suppression occurs when the government fails to turn over even evidence that is known only to police investigators and not to the prosecutor." *Youngblood* v. *West Virginia*, 547 U. S. 867, 869–870 (2006) (*per curiam*) (internal quotation marks omitted). See also *Kyles* v. *Whitley*, 514 U. S. 419, 438 (1995) (rejecting Louisiana's plea for a rule that would not hold the State responsible for

Moreover, any juror who found Scott more credible in light of Brown's testimony might have thought differently had she learned that Brown may have been motivated to come forward not by his sister's relationship with the victim's sister—as the prosecution had insisted in its closing argument—but by the possibility of a reduced sentence on an existing conviction. See *Napue*, *supra*, at 270 (even though the State had made no binding promises, a witness' attempt to obtain a deal before testifying was material because the jury "might well have concluded that [the witness] had fabricated testimony in order to curry the [prosecution's] favor"). Even if the jury—armed with all of this new evidence—*could* have voted to convict Wearry, we have "no confidence that it *would* have done so." *Smith*, *supra*, at ___ (slip op., at 3).

Reaching the opposite conclusion, the state postconviction court improperly evaluated the materiality of each piece of evidence in isolation rather than cumulatively, see *Kyles* v. *Whitley*, 514 U. S. 419, 441 (1995) (requiring a "cumulative evaluation" of the materiality of wrongfully withheld evidence), emphasized reasons a juror might disregard new evidence while ignoring reasons she might not, cf. *Porter* v. *McCollum*, 558 U. S. 30, 43 (2009) (*per curiam*) ("it was not reasonable to discount entirely the effect that [a defendant's expert's] testimony might have had on the jury" just because the State's expert provided contrary testimony), and failed even to mention the statements of the two inmates impeaching Scott.

III

In addition to defending the judgment of the Louisiana courts, the dissent criticizes the Court for deciding this "intensely factual question . . . without full briefing and

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failing to disclose exculpatory evidence about which prosecutors did not learn until after trial when that evidence was in the possession of police investigators at the time of trial).

argument." *Post,* at 6. But the Court has not shied away from summarily deciding fact-intensive cases where, as here, lower courts have egregiously misapplied settled law. See, *e.g., Mullenix* v. *Luna*, *ante,* at ___ (*per curiam*); *Stanton* v. *Sims*, 571 U. S. ___ (2013) (*per curiam*); *Parker* v. *Matthews*, 567 U. S. ___ (2012) (*per curiam*); *Coleman* v. *Johnson*, 566 U. S. ___ (2012) (*per curiam*); *Wetzel* v. *Lambert*, 565 U. S. ___ (2012) (*per curiam*); *Ryburn* v. *Huff*, 565 U. S. ___ (2012) (*per curiam*); *Sears* v. *Upton*, 561 U. S. 945 (2010) (*per curiam*); *Porter* v. *McCollum*, *supra.*

Because "[t]he petition does not . . . fall into a category in which the Court has previously evinced an inclination to police factbound errors," the dissent continues, "nothing warned the State," when it was drafting its brief in opposition, that the Court might summarily reverse Wearry's conviction. *Post,* at 5–6. Contrary to the dissent, however, summarily deciding a capital case, when circumstances so warrant, is hardly unprecedented. See *Sears*, *supra,* at 951–952 (vacating a state postconviction court's denial of relief on a penalty-phase ineffective-assistance-of-counsel claim); *Porter*, *supra,* at 38–40 (attorney provided ineffective assistance of counsel by conducting a constitutionally inadequate investigation into mitigating evidence). Perhaps anticipating the possibility of summary reversal, the State devoted the bulk of its 30-page brief in opposition to a point-by-point rebuttal of Wearry's claims. Given this brief, as well as the State's lower court filings similarly concentrating on evidence supporting its position, the chances that further briefing or argument would change the outcome are vanishingly slim.

The dissent also inveighs against the Court's "depart[ure] from our usual procedures . . . [to] decide petitioner's fact-intensive *Brady* claim at this stage . . . [rather than] allow[ing] petitioner to raise that claim in a federal habeas proceeding." *Post,* at 7. This Court, of course, has

jurisdiction over the final judgments of state postconviction courts, see 28 U. S. C. §1257(a), and exercises that jurisdiction in appropriate circumstances. Earlier this Term, for instance, we heard argument in *Foster* v. *Chatman*, No. 14–8349, which involves the Georgia courts' denial of postconviction relief to a capital defendant raising a claim under *Batson* v. *Kentucky*, 476 U. S. 79 (1986). See also *Smith*, 565 U. S., at ___ (slip op., at 2) (reversing a state postconviction court's denial of relief on a *Brady* claim); *Sears*, *supra,* at 946. Reviewing the Louisiana courts' denial of postconviction relief is thus hardly the bold departure the dissent paints it to be. The alternative to granting review, after all, is forcing Wearry to endure yet more time on Louisiana's death row in service of a conviction that is constitutionally flawed.

* * *

Because Wearry's due process rights were violated, we grant his petition for a writ of certiorari and motion for leave to proceed *in forma pauperis*, reverse the judgment of the Louisiana postconviction court, and remand for further proceedings not inconsistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

MICHAEL WEARRY *v.* BURL CAIN, WARDEN

ON PETITION FOR WRIT OF CERTIORARI TO THE DISTRICT COURT OF LOUISIANA, LIVINGSTON PARISH

No. 14–10008. Decided March 7, 2016

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.

Without briefing or argument, the Court reverses a 14-year-old murder conviction on the ground that the prosecution violated *Brady* v. *Maryland*, 373 U. S. 83 (1963), by failing to turn over certain information that tended to exculpate petitioner. There is no question in my mind that the prosecution should have disclosed this information, but whether the information was sufficient to warrant reversing petitioner's conviction is another matter. The failure to turn over exculpatory information violates due process only "'if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.'" *Kyles* v. *Whitley*, 514 U. S. 419, 433–434 (1995) (quoting *United States* v. *Bagley,* 473 U. S. 667, 682 (1985) (opinion of Blackmun, J.)).

The Court argues that the information in question here could have affected the jury's verdict and that petitioner's conviction must therefore be reversed. The Court ably makes the case for reversal, but there is a reasonable contrary argument that petitioner's conviction should stand because the undisclosed information would *not* have affected the jury's verdict. I will briefly discuss the main points made in the *per curiam*, not for the purpose of showing that they are necessarily wrong, but to show that the *Brady* issue is not open and shut. For good reason, we generally do not decide cases without allowing the parties to file briefs and present argument. Questions that seem

quite simple at first glance sometimes look very different after both sides are given a chance to make their case. Of course, this process means extra work for the Court. But it leads to better results, and it gives the losing side the satisfaction of knowing that at least its arguments have been fully heard. There is no justification for departing from our usual procedures in this case.

I

The first item of information discussed by the Court is a police report that recounts statements made about Sam Scott, a key witness for the prosecution, by a fellow inmate. According to this report, Scott told the inmate: "I'm gonna make sure Mike [*i.e.,* petitioner] gets the needle cause he jacked over me." Pet. Exh. 13 in No. 01–FELN–015992, p. 103. Scott, who had been serving a sentence on unrelated drug charges, reportedly told the inmate that he had been expecting to be released but that he "still [had not] gone home because of this," *i.e.,* petitioner's prosecution. *Id.,* at 102. As stated in the report, Scott said that he was now facing the possibility of a 10-year sentence, apparently for his admitted role in the events surrounding the murder. The report did not provide any further explanation for Scott's alleged statement that petitioner had "jacked [him] over."

The Court reads the report to suggest that Scott implicated petitioner in the murder "to settle a personal score." *Ante,* at 8. But if petitioner's counsel had actually attempted to use this evidence at trial, the net effect might well have been harmful, not helpful, to the defense. The undisclosed police report on which the Court relies may be read to mean that Scott blamed petitioner for putting him in the position of having to admit his own role in the events surrounding the murder and thereby expose himself to the 10-year sentence and lose an opportunity to secure early release from prison on the drug charges. If

defense counsel had attempted to impeach Scott with this police report, the effort could have backfired by allowing the prosecution to return the jury's focus to a point the State emphasized often during trial, namely, that Scott's accusations were credible precisely because Scott had no motive to tell a story that was contrary to his own interests. See, *e.g.,* 10 Record 2307 (Tr., Mar. 5, 2002) ("If [Scott] keeps his mouth shut, he is out in less than five more months. . . . [But] [i]nstead of getting out in 180 days, he is going to be doing more time").[1]

The Court next turns to an allegation that Scott had coached another prisoner to make up lies against petitioner. This prisoner never testified at trial, and there is a basis for arguing that this information would not have made a difference to the jury, which was well aware that Scott did not have an exemplary record of veracity. Scott himself admitted to fabricating information that he told the police during their investigations. In addition, a witness who *did* testify against petitioner at trial also accused Scott of asking him to lie, although admittedly this witness later denied making this accusation. Given that the jury convicted even with these quite serious strikes against Scott's credibility, there is reason to question whether the jury would have seriously considered a different verdict because of an accusation from someone who never took the stand.

Third, the Court observes that the prosecution failed to turn over evidence that another witness, Eric Brown, had

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[1]The majority claims that Scott's unwillingness to tell this fellow inmate who killed the victim somehow exculpates petitioner. See *ante,* at 4, n. 2. In my view, one cannot reasonably infer from the inmate's statement, "[Scott] wouldn't tell me who did it but he said I'm gonna make sure Mike gets the needle cause he jacked over me," that Scott believed petitioner Michael Wearry to be innocent—especially against the backdrop of Scott's complaints about his increased imprisonment. Pet. Exh. 13 in No. 01–FELN–015992, p. 103.

asked for favorable treatment from the district attorney in exchange for testifying against petitioner. It is true—and troubling—that the prosecutor claimed in her opening statement that Brown had not sought favorable treatment. But even so, it is far from clear that disclosing the contradictory information had real potential to affect the trial's outcome. For one thing, there is no evidence that Brown (unlike Scott) actually received any deal, despite defense counsel's efforts in cross-examination to establish that Brown's testimony might have earned him leniency from the State. Moreover, Brown admitted during the exchange that he had manipulated his initial story to the police to avoid implicating himself in criminal activity. We know, then, that the jury harbored no illusions about the purity of Brown's motives, notwithstanding the prosecutor's opening misstatement.

Finally, the Court says that the medical records of Randy Hutchinson would have cast doubt on Scott's trial testimony that Hutchinson repeatedly dragged the victim into and out of a car and bludgeoned him with a stick. The records reveal that Hutchinson had knee surgery to repair his patellar tendon just nine days before the murder. But one of the State's witnesses testified at trial that he had seen records showing that Hutchinson had had surgery on his knee "about nine days before the homicide happened." 10 Record 2261 (Tr., Mar. 5, 2002); see also *id.,* at 2263. The jury thus knew the most salient fact revealed by these records—that Scott had attributed significant strength and mobility to a man nine days removed from knee surgery.[2] Given that these particular

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[2]The *per curiam* argues that the medical records might have had a greater effect on the jury because they mentioned the particular type of knee surgery that petitioner had undergone, and that is certainly possible. But what is important at this stage is that the basic fact—that petitioner had recently undergone knee surgery—was known to the jury, and the incremental impact of the additional details supplied

details about Hutchinson's actions were a relatively minor part of Scott's account of the crime and the State's case against petitioner, the significance of the undisclosed medical records is subject to reasonable dispute.

While the Court highlights the exculpatory quality of the withheld information, the Court downplays the considerable evidence of petitioner's guilt. Aside from Scott's and Brown's testimony, three witnesses told the jury that they saw petitioner and others driving around shortly after the murder in the victim's red car, which according to one of these witnesses had blood on its exterior. Petitioner offered to sell an Albany High School class ring to one of these witnesses and a set of new speakers to another. The third witness said he saw petitioner throw away a bottle of Tommy Hilfiger cologne. Meanwhile, the victim's mother testified that her son wore an Albany High class ring that was not recovered with his body, had received speakers as a gift shortly before his murder, and had a bottle of Tommy Hilfiger cologne with him on the night when he was killed. In addition, three jailers testified that petitioner called his father after his eventual arrest and stated that "he didn't know what he was doing in jail because he didn't do anything [and] was just an innocent bystander." 9 Record 2120 (Tr., Mar. 4, 2002); see also *id.,* at 2124, 2126.

In short, this is far from a case in which the withheld information would have allowed the defense to undermine "the *only* evidence linking [petitioner] to the crime." *Smith* v. *Cain*, 565 U. S. 73, ___ (2012) (slip op., at 3).

II

Whether disclosing the information at issue realistically

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by the medical records is far from clear. Even at the postconviction evidentiary hearing, the defense's and State's medical experts disagreed about whether the particular procedure at issue would have left the then-20-year-old Hutchinson incapable of the acts Scott described.

could have changed the trial's outcome is indisputably an intensely factual question. Under *Brady*, we must evaluate the significance of the withheld information in light of *all* the proof at petitioner's trial. See *Kyles*, 514 U. S., at 435 (*Brady* is violated when the withheld "evidence could reasonably be taken to put *the whole case* in such a different light as to undermine confidence in the verdict" (emphasis added)); *United States* v. *Agurs*, 427 U. S. 97, 112 (1976) (*Brady* materiality "must be evaluated in the context of *the entire record*" (emphasis added)). It is unusual and, in my judgment, unreasonable for us to decide such a question without full briefing and argument.

At this stage, all that we have from the State is its brief in opposition to the petition for certiorari. And the State had ample reason to believe when it submitted that brief that the question on the table was whether the Court should hear the case, not whether petitioner's conviction should be reversed. The State undoubtedly knew that we generally deny certiorari on factbound questions that do not implicate any disputed legal issue. See, *e.g.,* this Court's Rule 10; S. Shapiro, K. Geller, T. Bishop, E. Hartnett, & D. Himmelfarb, Supreme Court Practice §5.12(c)(3), p. 352 (10th ed. 2013). Nothing warned the State that this petition was likely to produce an exception to that general rule. The petition does not, for instance, fall into a category in which the Court has previously evinced an inclination to police factbound errors. Cf. *Cash* v. *Maxwell*, 565 U. S. ____, ____ (2012) (Scalia, J., dissenting from denial of certiorari) (slip op., at 8) (listing cases from one such category).

To the contrary, we have previously told litigants that petitions like the one here, challenging a state court's denial of postconviction relief, are particularly *unlikely* to be granted: We "'rarely gran[t] review at this stage'" of litigation, even when a petition raises "'arguably meritorious federal constitutional claims,'" because we prefer that

the claims be reviewed first by a district court and court of appeals in a federal habeas proceeding. *Lawrence* v. *Florida*, 549 U. S. 327, 335 (2007) (quoting *Kyles* v. *Whitley*, 498 U. S. 931, 932 (1990) (Stevens, J., concurring in denial of stay of execution)).[3]

Why, then, has the Court decided to depart from our usual procedures and decide petitioner's fact-intensive *Brady* claim at this stage? Why not allow petitioner to raise that claim in a federal habeas proceeding? If the case took that course, it would not reach us until a district court and a court of appeals had studied the record and evaluated the likely impact of the information in question.

One consequence of waiting until the claim was raised in a federal habeas proceeding is that our review would then be governed by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). Under AEDPA, relief could be granted only if it could be said that the state court's rejection of the claim represented an "unreasonable application" of *Brady*. 28 U. S. C. §2254(d)(1). By intervening now before AEDPA comes into play, the Court avoids the application of that standard and is able to exercise plenary review. But if the *Brady* claim is as open-and-shut as the Court maintains, AEDPA would not present an obstacle to the granting of habeas relief. On the other hand, if reasonable jurists could disagree about the application of *Brady* to the facts of this case, there is no good reason to dispose of this case summarily. The State

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[3]The Court implies that meritorious claims in capital cases do constitute a category of factbound errors that the Court has shown willingness to correct on certiorari papers alone. *Ante,* at 10. In support, it cites *Sears* v. *Upton*, 561 U. S. 945 (2010) (*per curiam*), and *Porter* v. *McCollum*, 558 U. S. 30 (2009) (*per curiam*). Notably, *Porter* did not arise directly from state postconviction proceedings, but in federal habeas. And in neither case did the Court take the dramatic step it takes here and summarily reverse a long-final state conviction for capital murder; both cases addressed errors related to the defendants' sentences.

should be given the opportunity to make its full case.

In my view, therefore, summary reversal is highly inappropriate. The Court is anxious to vacate petitioner's conviction before the State has the opportunity to make its case. But if we are going to intervene at this stage, we should grant the petition and hear the case on the merits. There is room on our docket to give this case the careful consideration it deserves.

Per Curiam

SUPREME COURT OF THE UNITED STATES

V. L. *v.* E. L., ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ALABAMA

No. 15–648 Decided March 7, 2016

PER CURIAM.

A Georgia court entered a final judgment of adoption making petitioner V. L. a legal parent of the children that she and respondent E. L. had raised together from birth. V. L. and E. L. later separated while living in Alabama. V. L. asked the Alabama courts to enforce the Georgia judgment and grant her custody or visitation rights. The Alabama Supreme Court ruled against her, holding that the Full Faith and Credit Clause of the United States Constitution does not require the Alabama courts to respect the Georgia judgment. That judgment of the Alabama Supreme Court is now reversed by this summary disposition.

I

V. L. and E. L. are two women who were in a relationship from approximately 1995 until 2011. Through assisted reproductive technology, E. L. gave birth to a child named S. L. in 2002 and to twins named N. L. and H. L. in 2004. After the children were born, V. L. and E. L. raised them together as joint parents.

V. L. and E. L. eventually decided to give legal status to the relationship between V. L. and the children by having V. L. formally adopt them. To facilitate the adoption, the couple rented a house in Alpharetta, Georgia. V. L. then filed an adoption petition in the Superior Court of Fulton County, Georgia. E. L. also appeared in that proceeding. While not relinquishing her own parental rights, she gave her express consent to V. L.'s adoption of the children as a

second parent. The Georgia court determined that V. L. had complied with the applicable requirements of Georgia law, and entered a final decree of adoption allowing V. L. to adopt the children and recognizing both V. L. and E. L. as their legal parents.

V. L. and E. L. ended their relationship in 2011, while living in Alabama, and V. L. moved out of the house that the couple had shared. V. L. later filed a petition in the Circuit Court of Jefferson County, Alabama, alleging that E. L. had denied her access to the children and interfered with her ability to exercise her parental rights. She asked the Alabama court to register the Georgia adoption judgment and award her some measure of custody or visitation rights. The matter was transferred to the Family Court of Jefferson County. That court entered an order awarding V. L. scheduled visitation with the children.

E. L. appealed the visitation order to the Alabama Court of Civil Appeals. She argued, among other points, that the Alabama courts should not recognize the Georgia judgment because the Georgia court lacked subject-matter jurisdiction to enter it. The Court of Civil Appeals rejected that argument. It held, however, that the Alabama family court had erred by failing to conduct an evidentiary hearing before awarding V. L. visitation rights, and so it remanded for the family court to conduct that hearing.

The Alabama Supreme Court reversed. It held that the Georgia court had no subject-matter jurisdiction under Georgia law to enter a judgment allowing V. L. to adopt the children while still recognizing E. L.'s parental rights. As a consequence, the Alabama Supreme Court held Alabama courts were not required to accord full faith and credit to the Georgia judgment.

II

The Constitution provides that "Full Faith and Credit shall be given in each State to the public Acts, Records,

and judicial Proceedings of every other State." U. S. Const., Art. IV, §1. That Clause requires each State to recognize and give effect to valid judgments rendered by the courts of its sister States. It serves "to alter the status of the several states as independent foreign sovereignties, each free to ignore obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation." *Milwaukee County* v. *M. E. White Co.*, 296 U. S. 268, 277 (1935).

With respect to judgments, "the full faith and credit obligation is exacting." *Baker* v. *General Motors Corp.*, 522 U. S. 222, 233 (1998). "A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land." *Ibid.* A State may not disregard the judgment of a sister State because it disagrees with the reasoning underlying the judgment or deems it to be wrong on the merits. On the contrary, "the full faith and credit clause of the Constitution precludes any inquiry into the merits of the cause of action, the logic or consistency of the decision, or the validity of the legal principles on which the judgment is based." *Milliken* v. *Meyer*, 311 U. S. 457, 462 (1940).

A State is not required, however, to afford full faith and credit to a judgment rendered by a court that "did not have jurisdiction over the subject matter or the relevant parties." *Underwriters Nat. Assurance Co.* v. *North Carolina Life & Accident & Health Ins. Guaranty Assn.*, 455 U. S. 691, 705 (1982). "Consequently, before a court is bound by [a] judgment rendered in another State, it may inquire into the jurisdictional basis of the foreign court's decree." *Ibid.* That jurisdictional inquiry, however, is a limited one. "[I]f the judgment on its face appears to be a 'record of a court of general jurisdiction, such jurisdiction over the cause and the parties is to be presumed unless disproved by extrinsic evidence, or by the record itself.'"

Milliken, *supra*, at 462 (quoting *Adam* v. *Saenger*, 303 U. S. 59, 62 (1938)).

Those principles resolve this case. Under Georgia law, as relevant here, "[t]he superior courts of the several counties shall have exclusive jurisdiction in all matters of adoption." Ga. Code Ann. §19–8–2(a) (2015). That provision on its face gave the Georgia Superior Court subject-matter jurisdiction to hear and decide the adoption petition at issue here. The Superior Court resolved that matter by entering a final judgment that made V. L. the legal adoptive parent of the children. Whatever the merits of that judgment, it was within the statutory grant of jurisdiction over "all matters of adoption." *Ibid.* The Georgia court thus had the "adjudicatory authority over the subject matter" required to entitle its judgment to full faith and credit. *Baker*, *supra*, at 233.

The Alabama Supreme Court reached a different result by relying on Ga. Code Ann. §19–8–5(a). That statute states (as relevant here) that "a child who has any living parent or guardian may be adopted by a third party . . . only if each such living parent and each such guardian has voluntarily and in writing surrendered all of his or her rights to such child." The Alabama Supreme Court concluded that this provision prohibited the Georgia Superior Court from allowing V. L. to adopt the children while also allowing E. L. to keep her existing parental rights. It further concluded that this provision went not to the merits but to the Georgia court's subject-matter jurisdiction. In reaching that crucial second conclusion, the Alabama Supreme Court seems to have relied solely on the fact that the right to adoption under Georgia law is purely statutory, and "'[t]he requirements of Georgia's adoptions statutes are mandatory and must be strictly construed in favor of the natural parents.'" App. to Pet. for Cert. 23a–24a (quoting *In re Marks*, 300 Ga. App. 239, 243, 684 S. E. 2d 364, 367 (2009)).

That analysis is not consistent with this Court's controlling precedent. Where a judgment indicates on its face that it was rendered by a court of competent jurisdiction, such jurisdiction "'is to be presumed unless disproved.'" *Milliken*, *supra*, at 462 (quoting *Adam*, *supra*, at 62). There is nothing here to rebut that presumption. The Georgia statute on which the Alabama Supreme Court relied, Ga. Code Ann. §19–8–5(a), does not speak in jurisdictional terms; for instance, it does not say that a Georgia court "shall have jurisdiction to enter an adoption decree" only if each existing parent or guardian has surrendered his or her parental rights. Neither the Georgia Supreme Court nor any Georgia appellate court, moreover, has construed §19–8–5(a) as jurisdictional. That construction would also be difficult to reconcile with Georgia law. Georgia recognizes that in general, subject-matter jurisdiction addresses "whether a court has jurisdiction to decide a particular class of cases," *Goodrum* v. *Goodrum*, 283 Ga. 163, 657 S. E. 2d 192 (2008), not whether a court should grant relief in any given case. Unlike §19–8–2(a), which expressly gives Georgia superior courts "exclusive jurisdiction in all matters of adoption," §19–8–5(a) does not speak to whether a court has the power to decide a general class of cases. It only provides a rule of decision to apply in determining if a particular adoption should be allowed.

Section 19–8–5(a) does not become jurisdictional just because it is "'mandatory'" and "'must be strictly construed.'" App. to Pet. for Cert. 23a–24a (quoting *Marks*, *supra*, at 243, 684 S. E. 2d, at 367). This Court "has long rejected the notion that all mandatory prescriptions, however emphatic, are properly typed jurisdictional." *Gonzalez* v. *Thaler*, 565 U. S. 134, ___ (2012) (slip op., at 10–11) (internal quotation marks and ellipsis omitted). Indeed, the Alabama Supreme Court's reasoning would give jurisdictional status to *every* requirement of the Geor-

gia adoption statutes, since Georgia law indicates those requirements are all mandatory and must be strictly construed. *Marks*, *supra*, at 243, 684 S. E. 2d, at 367. That result would comport neither with Georgia law nor with common sense.

As Justice Holmes observed more than a century ago, "it sometimes may be difficult to decide whether certain words in a statute are directed to jurisdiction or to merits." *Fauntleroy* v. *Lum*, 210 U. S. 230, 234–235 (1908). In such cases, especially where the Full Faith and Credit Clause is concerned, a court must be "slow to read ambiguous words, as meaning to leave the judgment open to dispute, or as intended to do more than fix the rule by which the court should decide." *Id.*, at 235. That time-honored rule controls here. The Georgia judgment appears on its face to have been issued by a court with jurisdiction, and there is no established Georgia law to the contrary. It follows that the Alabama Supreme Court erred in refusing to grant that judgment full faith and credit.

The petition for writ of certiorari is granted. The judgment of the Alabama Supreme Court is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

AMERICAN FREEDOM DEFENSE INITIATIVE, ET AL.
v. KING COUNTY, WASHINGTON

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

No. 15–584 Decided March 7, 2016

The petition for a writ of certiorari is denied.

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

The First Amendment prohibits the government from "abridging the freedom of speech." But the Court has struggled with how that guarantee applies when private speech occurs on government property. We have afforded private speech different levels of protection depending on the forum in which it occurs. See *Pleasant Grove City* v. *Summum*, 555 U. S. 460, 469–470 (2009). In a "traditional public forum"—namely, public streets or parks—speech restrictions must be "narrowly tailored to serve a compelling government interest." *Id.,* at 469. That same standard governs speech restrictions within a "'designated public forum,'" which exists "if government property that has not traditionally been regarded as a public forum is intentionally opened up for that purpose." *Ibid.* But if the government creates a limited public forum (also called a nonpublic forum)—namely, "a forum that is limited to use by certain groups or dedicated solely to the discussion of certain subjects"—then speech restrictions need only be "reasonable and viewpoint neutral." *Id.,* at 470.

Distinguishing between designated and limited public forums has proved difficult. We have said that whether the government created a designated public forum depends on its intent—as evidenced by its "policy and practice" and "the nature of the [government] property and its compatibility with expressive activity." *Cornelius* v. *NAACP Legal Defense & Ed. Fund, Inc.*, 473 U. S. 788,

802 (1985). But what this guidance means has bedeviled federal courts.

This case involves a type of forum that has prompted especially stark divisions among federal courts of appeals: advertising in public transit spaces. A plurality of this Court has concluded that a public transit authority that categorically prohibits advertising involving political speech does not create a designated public forum. *Lehman* v. *Shaker Heights*, 418 U. S. 298, 300–302 (1974). But many transit authorities have instead opened their advertising spaces to a wide array of political speech, and courts of appeals are divided on what type of forum this creates. Transit authorities in Chicago, Detroit, New York City, and Washington, D. C., are bound by rulings that classify their ad spaces as designated public forums and, thus, prohibit content-based restrictions on advertising. Transit authorities in Boston—and, in this case, Seattle—are similarly open to political speech, yet can freely restrict speech based on its content. Whether public transit advertising spaces are designated or limited public forums determines what speech millions of Americans will—or will not—encounter during their commutes.

This case offers an ideal opportunity to bring clarity to an important area of First Amendment law. In the decision below, the U. S. Court of Appeals for the Ninth Circuit held that Seattle public transit advertising space is a limited public forum. The court then allowed the transit authority to exclude ads submitted by the American Freedom Defense Initiative (AFDI)—petitioner here—by applying content-based advertising restrictions. I would have granted certiorari.

I

King County, Washington, operates a public transit system that provides transportation to hundreds of thousands of riders in and around Seattle. Like many transit

authorities, King County's transit system funds itself in part by selling advertising space on its buses and other property. And, like many transit authorities, King County subjects proposed ads to a preapproval process. Its policy for evaluating ads prohibits political campaign advertising, but allows other political messages. Political messages, however, cannot be displayed if the county deems them "false or misleading," "demeaning and disparaging," or a risk to the orderly operation of the transit system. 2014 WL 345245, *4 (WD Wash., Jan. 30, 2014).

King County has approved many controversial political ads. Transit bus exteriors have proclaimed "Save Gaza! Justice for all." Riders have encountered ads urging women to visit a pro-life crisis pregnancy center to discuss abortion alternatives. Ads have championed "Equal Rights for Palestinians[:] The Way to Peace," and announced, "The Palestinian Authority Is Calling For A Jew-Free State[:] Equal Rights for Jews." King County even initially accepted an ad that would have emblazoned "Israeli War Crimes[,] Your Tax Dollars At Work" on buses—before withdrawing that acceptance based on threats of violence. See *Seattle Mideast Awareness Campaign* v. *King County*, 781 F. 3d 489, 494 (CA9 2015) (*SeaMAC*).

In 2013, the State Department and the Federal Bureau of Investigation (FBI) launched a campaign to encourage anyone in Seattle—an international travel hub—to report information about wanted terrorists. To that end, the State Department submitted ads for King County's approval to run on bus exteriors.

Consistent with a campaign aimed at soliciting information about wanted terrorists, one ad displayed the names and faces of 16 wanted terrorists beneath the words "Faces of Global Terrorism." Appendix, *infra*. The bottom of this ad announced: "Stop a Terrorist. Save Lives. Up to $25 Million Reward." *Ibid.* The ad included

contact information for the Rewards for Justice Program, which offers substantial monetary rewards for information helping to locate wanted terrorists. See *ibid.* King County's Transit Advertising Program Project Manager interpreted the ad as a conventional "'wanted poster'" and approved it. Record in No. 2:13–CV–01804 (WD Wash.) (Record), Doc. 14, pp. 4–5 (Shinbo decl.). The ad started appearing on buses in June 2013. *Ibid.*

King County then received a "small" number of complaints. *Id.,* at 6. Faultfinders complained that juxtaposing the words "Faces of Global Terrorism" next to "pictures of persons of color with Muslim-sounding names . . . suggested that all similar persons were dangerous terrorists," and that "just to depict men of certain races is . . . incendiary itself." *Ibid.* (internal quotation marks omitted). A Seattle-area U. S. Congressman echoed these objections. The State Department voluntarily withdrew the ad.

Weeks later, petitioner AFDI—an advocacy group that seeks to convey its views on terrorism by buying public transit ad space—submitted a proposed ad. See Appendix, *infra*. Like the State Department ad, AFDI's ad was captioned "Faces of Global Terrorism." *Ibid.* And like the State Department ad, AFDI's ad displayed the same 16 photos of wanted terrorists, with their names beneath. At the bottom of the ad, AFDI included slightly different text. Whereas the State Department ad concluded "Stop a Terrorist. Save Lives. Up to $25 Million Reward," AFDI's ad concluded: "AFDI Wants You to Stop a Terrorist. The FBI Is Offering Up To $25 Million Reward If You Help Capture One Of These Jihadis." *Ibid.*

King County rejected AFDI's ad as inconsistent with its policy. First, King County deemed the ad "false or misleading," because the Government was not offering a $25 million reward for any depicted terrorist, and because the State Department, not the FBI, offers the rewards. Record, Doc. 13, pp. 7–8 (Desmond decl.). Second, King

County considered the ad "demeaning and disparaging" to minorities "by equating their dress and skin color with terrorists" and by misusing the term "jihadi." *Id.,* at 8. Third, King County believed that the ad could "interfere with operation of the Metro transit system" because the ad could alienate riders and discomfort staff. *Id.,* at 9.

AFDI sued, but the District Court rejected AFDI's First Amendment challenge. It reasoned that the transit system's advertising space was a limited public forum, and that King County's restrictions were reasonable and viewpoint neutral. 2014 WL 345245, at *4–*7. The Ninth Circuit affirmed. It agreed that King County's transit ad space was a limited public forum, and considered the rejection of AFDI's ad as "false or misleading" to be reasonable and viewpoint neutral. 796 F. 3d 1165, 1168–1172 (2015). It did not reach King County's other rationales. *Ibid.*

II

In the large portions of this country encompassed by the Second, Sixth, Seventh, and D. C. Circuits, AFDI's ad would likely have met a different fate. In those Circuits, accepting a wide array of political and issue-related ads demonstrates that the government intended to create a designated (rather than limited) public forum because "political advertisements . . . [are] the hallmark of a public forum." *AFDI* v. *Suburban Mobility Auth. for Regional Transp.*, 698 F. 3d 885, 890 (CA6 2012).* In those Cir-

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*Accord, *New York Magazine* v. *Metropolitan Transp. Auth.*, 136 F. 3d 123, 130 (CA2 1998) ("[T]he advertising space on the outside of [transit] buses is a designated public forum, because the [authority] accepts both political and commercial advertising"); *Lebron* v. *Washington Metropolitan Area Transit Auth.*, 749 F. 2d 893, 896, and n. 6 (CADC 1984) ("[T]he Authority here, by accepting political advertising, has made its subway stations into public fora"); *Air Line Pilots Assn. Int'l* v. *Department of Aviation of Chicago*, 45 F. 3d 1144, 1152–1154, and n. 7 (CA7 1995) (focusing on "whether or to what extent 'political'

cuits, transit authorities that open their ad spaces to political messages must provide compelling justifications for restricting ads, and must narrowly tailor any restrictions to those justifications.

In the First and Ninth Circuits, however, transit authorities have far more leeway to restrict speech. There, "a transit agency's decision to allow the display of controversial advertising does not in and of itself establish a designated public forum." *AFDI* v. *Massachusetts Bay Transp. Auth.*, 781 F. 3d 571, 580 (CA1 2015); see *SeaMAC*, 781 F. 3d, at 498–499 (similar); see also 796 F. 3d, at 1168 (decision below, relying on *SeaMAC*). As the Ninth Circuit acknowledged, this approach conflicts with the approaches of "other courts [that] have held that similar transit advertising programs constitute designated public forums." *SeaMAC*, *supra*, at 498–499. Materially similar public transit advertising programs should not face such different First Amendment constraints based on geographical happenstance.

This case would allow us to resolve that division. King County's advertising restrictions cannot pass muster if the transit advertising space is a designated public forum. King County bans ads that it deems "false or misleading," but this Court considers broad, content-based restrictions on false statements in political messages to be generally impermissible. See *United States* v. *Alvarez*, 567 U. S. ___, ___–___ (2012) (plurality opinion) (slip op., at 5–6); see *id.*, at ___–___ (BREYER, J., concurring in judgment) (slip op., at 8–10). King County's prohibitions on "demeaning and disparaging" ads, or ads that could disrupt the transit system by alienating riders, are also problematic content-based restrictions. King County may wish to protect

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advertisements have been permitted in the past"); *Planned Parenthood Assn./Chicago Area* v. *Chicago Transit Auth.*, 767 F. 2d 1225, 1232 (CA7 1985) (similar).

captive riders' sensibilities, but "'we are often "captives" outside the sanctuary of the home and subject to objectionable speech.'" *Cohen* v. *California*, 403 U. S. 15, 21 (1971). The government cannot automatically "shut off discourse solely to protect others from hearing it." *Ibid.*

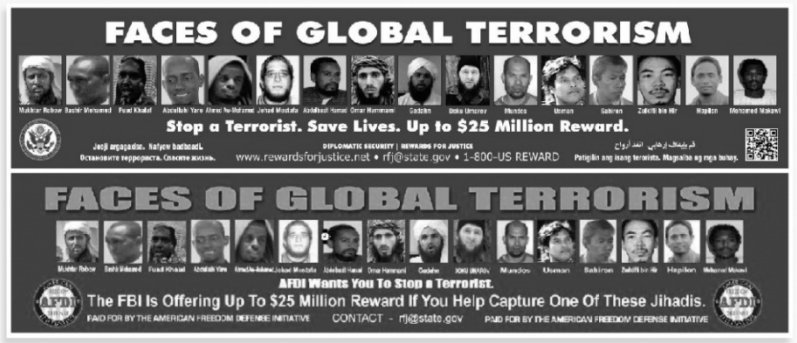
To be sure, this case involves speech that some may consider offensive, on a politically charged subject. That is all the more reason to grant review. "[A] principal function of free speech . . . is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger." *Texas* v. *Johnson*, 491 U. S. 397, 408–409 (1989) (internal quotation marks omitted).

Many of the Court's landmark First Amendment decisions have involved contentious speech in times of national turmoil. When some States branded the civil rights movement a threat to public order, the Court decided whether protesters against segregation could be punished for purportedly disrupting the peace. *E.g., Cox* v. *Louisiana*, 379 U. S. 536, 537–538 (1965). When the Nation was divided over the Vietnam War, the Court decided whether the First Amendment prohibits the Government from prosecuting a man for wearing a "'"F— the Draft"'" jacket in a courthouse, *Cohen*, *supra,* at 16, and whether a public school could punish students who wear black armbands as symbols of antiwar protest, *Tinker* v. *Des Moines Independent Community School Dist.*, 393 U. S. 503, 504 (1969). More recently, we have decided whether protesters can brandish signs proclaiming "'God Hates Fags'" and "'God Hates the USA/Thank God for 9/11'" outside a soldier's funeral, *Snyder* v. *Phelps*, 562 U. S. 443, 447–448 (2011); whether the First Amendment protects videos that depict women crushing small animals to death to satisfy viewers' sexual fetishes, *United States* v. *Stevens*, 559 U. S. 460, 464–466 (2010); and whether States can reject Confederate-flag license plates, *Walker* v. *Texas Div., Sons*

of Confederate Veterans, Inc., 576 U. S. ___, ___ (2015) (slip op., at 1).

I see no sound reason to shy away from this First Amendment case. It raises an important constitutional question on which there is an acknowledged and well-developed division among the Courts of Appeals. One of this Court's most basic functions is to resolve this kind of question. I respectfully dissent from the denial of certiorari.

APPENDIX



The top image is the State Department's "Faces of Global Terrorism" advertisement, which King County approved and allowed to run on its buses. The bottom image is AFDI's "Faces of Global Terrorism" advertisement, which King County rejected.