

(ORDER LIST: 587 U.S.)

MONDAY, JUNE 10, 2019

**CERTIORARI -- SUMMARY DISPOSITION**

18-1070 LINCOLNSHIRE, IL, ET AL. V. INT'L UNION LOCAL 399, 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 Seventh Circuit with instructions to direct the District Court to dismiss the case as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950).

**ORDERS IN PENDING CASES**

18M165 DAVIS, ANTHONY L. V. KANSAS

The motion for leave to proceed as a veteran is denied. Justice Kagan took no part in the consideration or decision of this motion.

18M166 DOE V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

18M167 BAOUCH, YASSINE, ET AL. V. WERNER ENTERPRISES, INC., ET AL.

The motion of respondents to file the petition for writ of certiorari under seal with redacted copies for the public record is denied.

18-8377 BOOKER, WALTER D. V. JOHNSON, T., ET AL.

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

18-8804 RAYMOND, CARLOS A. V. ROY, MARTIN J., ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until July 1, 2019, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI GRANTED**

17-1498 ATLANTIC RICHFIELD CO. V. CHRISTIAN, GREGORY A., ET AL.

18-1109 MCKINNEY, JAMES E. V. ARIZONA

18-1116 INTEL CORP. INVESTMENT, ET AL. V. SULYMA, CHRISTOPHER M.

The petitions for writs of certiorari are granted.

18-935 MONASKY, MICHELLE V. TAGLIERI, DOMENICO

The motion of Sanctuary for Families, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted.

18-1171 COMCAST CORPORATION V. NAT. ASSN. OF AFRICAN AM.-OWNED MEDIA, ET AL.

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

**CERTIORARI DENIED**

18-928 MIDWEST MACHINING, INC. V. McCLELLAN, JENA

18-936 ) KETTLER, JEREMY V. UNITED STATES

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18-7451 ) COX, SHANE V. UNITED STATES

18-953 FAWZER, MOHAMED V. BARR, ATT'Y GEN.

18-970 MITCHELL, THOMAS, ET AL. V. TULALIP TRIBES OF WASHINGTON

18-984 KING MOUNTAIN TOBACCO CO. V. UNITED STATES

18-1132 SMITH, OSCAR F. V. MAYS, WARDEN

18-1137 LES SCHWAB TIRE, ET AL. V. WILCOX, SCOTT

18-1156 MORGENTHAU VENTURE, ET AL. V. KIMMEL, ROBERT A.

18-1160 TECK METALS, LTD. V. CONFEDERATED TRIBES, ET AL.  
18-1223 VILLENNA, MARIO, ET AL. V. IANCU, ANDREI  
18-1266 O'LEARY, TIMOTHY P. V. AETNA LIFE INSURANCE CO.  
18-1281 MILLIMAN, HAYES B. V. RANDALL, TIMOTHY L.  
18-1288 COULTER, JEAN V. ADT SECURITY SERVICES, ET AL.  
18-1295 DE STENO, DALE, ET AL. V. KELLY SERVICES, INC.  
18-1296 SURIANO-LAINE, MARIA R. V. BARR, ATT'Y GEN.  
18-1297 NEW DOE CHILD #1, ET AL. V. UNITED STATES, ET AL.  
18-1301 BAUTISTA-DELACRUZ, JAVIER V. BARR, ATT'Y GEN.  
18-1311 CARDILLO, CATHY V. NEARY, CLERK, ETC.  
18-1330 DAVIS, GAVIN B. V. O'CONNOR, TIMOTHY G.  
18-1345 KINNEY, CHARLES G. V. CUELLAR, M., ET AL.  
18-1379 GODWIN, JEREMY J. V. DAVEY, WARDEN  
18-1397 PRISM TECHNOLOGIES LLC V. SPRINT SPECTRUM L.P.  
18-1402 STANLEY, HAROLD R., ET AL. V. USDC DC  
18-1405 TAYLOR, ROBERT N. V. UNITED STATES  
18-7693 DRESSNER, DUSTIN V. LOUISIANA  
18-7857 JONES, CALVIN R. V. UNITED STATES  
18-8003 DANNOLFO, ANTHONY J. V. INCH, SEC., FL DOC  
18-8214 RABY, CHARLES D. V. DAVIS, DIR., TX DCJ  
18-8669 ARLOTTA, JAMES P. V. HERATY, DAVID A., ET AL.  
18-8683 DUCKETT, JAMES A. V. FLORIDA  
18-8687 OGLE, MELANIE A. V. OH DOC  
18-8689 MUIR, JOEL G. V. FERGUSON, SUPT., PHOENIX, ET AL.  
18-8693 LARSON, ART V. HOENIG, MICHAEL, ET AL.  
18-8697 BANKS, FREDERICK H. V. PENNYMAC HOLDINGS, LLC  
18-8702 CARTER, VERNON V. INCH, SEC., FL DOC  
18-8704 ALEXANDER, BRANDON K. V. TEXAS

18-8706 MARTIN, DONN D. V. TEXAS

18-8707 CARLYLE, WALLACE G. V. CAMPBELL, WARDEN

18-8709 ADEYINKA, EMMANUEL V. HARRIS COUNTY, TX, ET AL.

18-8727 WIGGINS, COREY V. PAYNE, WARDEN

18-8728 THORESEN, JOSEPH C. V. MINNESOTA

18-8733 McELVAIN, RUSSELL T. V. DAVIS, DIR., TX DCJ

18-8734 PHILLIPS, COREY D. V. ILLINOIS

18-8736 ESPINOZA, JUAN, ET AL. V. SAN BENITO CONSOLIDATED INDEP.

18-8744 MIESEGAES, VADIM S. V. DEPT. OF HOMELAND SEC., ET AL.

18-8746 DREVALEVA, TATYANA E. V. CA DEPT. OF INDUSTRIAL RELATIONS

18-8751 RAINEY, WILLIAM L. V. TEXAS

18-8754 POMEROY, RICHARD D. V. ANCHORAGE, AK

18-8756 WILLIAMS, JONATHAN S. V. KURK, DR., ET AL.

18-8757 TINCHER, JASON L. V. BERNERS-LEE, TIM

18-8765 YOUNG, MICHAEL A. V. DUNCAN, THOMAS, ET AL.

18-8770 RUGAMBA, MARTIN V. CUOMO, GOV. OF NY

18-8774 TURNER, JOHN E. V. NEVADA, ET AL.

18-8780 HIGGINS, JOHN T. V. MASSACHUSETTS

18-8788 MOORE, ROBERT L. V. NAGY, WARDEN

18-8809 B. C. V. FL DEPT. CHILDREN AND FAMILIES

18-8813 BULTMAN, JEAN V. CIGNA GROUP INS., ET AL.

18-8823 AL OBAIDY, OMER V. McALEENAN, SEC. OF HOMELAND

18-8836 ) WOODSON, FRIZZELL C. V. UNITED STATES  
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18-8837 ) WOODSON, FRIZZELL C. V. UNITED STATES  
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18-8838 ) WOODSON, FRIZZELL C. V. UNITED STATES  
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18-8839 ) WOODSON, FRIZZELL C. V. UNITED STATES  
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18-8840 ) WOODSON, FRIZZELL C. V. UNITED STATES

18-8841 WOODSON, FRIZZELL C. V. BRENNAN, POSTMASTER GEN.

18-8864 JOSEPH B. V. NEBRASKA  
18-8871 RAMBO, ROY L. V. NOGAN, ADM'R, E. JERSEY, ET AL.  
18-8877 KNOX, REGINALD V. UNKNOWN PARTIES  
18-8881 COLEMAN, GARRY V. INCH, SEC., FL DOC, ET AL.  
18-8936 McINTOSH, WILLIAM A. V. TEXAS  
18-8937 JOHNSON, MICHAEL P. V. HOOKS, WARDEN  
18-8972 JOINER, WARDELL N. V. SUTTON, WARDEN  
18-9000 STERLING, JOHNNIE V. PASH, WARDEN  
18-9022 CARTER, MAURICE E. V. PARRIS, WARDEN  
18-9036 BROWN, GREGORY T. V. VIRGINIA, ET AL.  
18-9052 GRENNING, NEIL V. KEY, SUPT., AIRWAY HEIGHTS  
18-9089 GAYLE, ITOFFEE V. HBO, INC, ET AL.  
18-9097 MORRIS, FREDDIE L. V. INCH, SEC., FL DOC, ET AL.  
18-9103 THOMAS, MILTON V. PHILADELPHIA, PA, ET AL.  
18-9139 GADDY, CALVIN L. V. USDC SC, ET AL.  
18-9143 FULLER, JUSTIN D. V. UNITED STATES  
18-9155 STRECKER, ROBERT V. UNITED STATES  
18-9168 OWENS, MELISSA V. UNITED STATES  
18-9169 McDANIELS, ANDRE V. UNITED STATES  
18-9172 PITTS, WENDY D. V. UNITED STATES  
18-9180 ARCE-HERNANDEZ, CESAR V. UNITED STATES  
18-9181 ASKIA, KWAME A. V. UNITED STATES  
18-9183 JONES, ZACHARY W. V. UNITED STATES  
18-9188 VON HALL, ERIC T. V. CAIN, SUPT., SNAKE RIVER  
18-9193 BREWER, ARTEZ V. UNITED STATES  
18-9196 MEDINA, DELANO M. V. UNITED STATES  
18-9197 MOORE, EARL V. KALLIS, WARDEN  
18-9200 COX, ANDREW V. UNITED STATES

18-9202 MASO DIAZ, EDILBERTO V. UNITED STATES  
18-9205 BALLESTEROS, ANTONIO V. UNITED STATES  
18-9208 TRINGHAM, ROBERT V. UNITED STATES  
18-9218 GERANDINO-ARACENA, ALEXANDRO V. UNITED STATES  
18-9221 HAMILTON, BARRINGTON M. V. UNITED STATES  
18-9228 EWING, DAVID D. V. PASH, WARDEN

The petitions for writs of certiorari are denied.

18-854 ALVAREZ, GEORGE V. BROWNSVILLE, TX

The motion of Law Professors for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

18-9161 WOOD, ROBERT L. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor, with whom Justice Ginsburg joins, dissenting from the denial of certiorari: I dissent for the reasons set out in *Brown v. United States*, 586 U. S. \_\_\_\_ (2018) (Sotomayor, J., dissenting).

18-9215 GILES, DALE 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.

18-9217 GRUMMITT, KIRK L., ET AL. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor, with whom Justice Ginsburg joins, dissenting from the denial of certiorari: I dissent for the reasons set out in *Brown v. United States*, 586 U. S. \_\_\_\_ (2018) (Sotomayor, J., dissenting).

**HABEAS CORPUS DENIED**

18-8541 IN RE RANDY A. JONES  
18-9288 IN RE SHERMAN L. FIELDS  
18-9289 IN RE MICHAEL L. HALEY, SR.

The petitions for writs of habeas corpus are denied.

18-9278 IN RE EDMOND McCLINTON

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**

18-8722 IN RE CURTIS L. SHEPPARD

The petition for a writ of mandamus is denied.

**REHEARINGS DENIED**

18-968 NAJDA, ANDREW C. V. PATERAKIS, NIKOLAOS J.  
18-1008 IN RE VERONICA HOLLOWELL AND VIVIAN EPPS  
18-1041 KONIECZKO, FRANCES, ET AL. V. ADVENTIST HEALTH SYSTEM, ET AL.  
18-1050 WU, MICHAEL H., ET UX. V. PRUDENTIAL FINANCIAL, ET AL.  
18-7677 GEETER, CHARLES V. LESATZ, WARDEN  
18-7774 BOYETT, CECIL V. SANTISTEVAN, WARDEN, ET AL.  
18-7897 OWENS, LARAE V. ZUCKER, MARIA, ET AL.  
18-7899 DEWBERRY, RAMIREZ D. V. THIRD CIRCUIT COURT OF MICHIGAN  
18-7985 BAHRAMPOUR, AFSHIN V. UNITED STATES

18-8008 DRAPER, CEDRICK E. V. MUY PIZZA SOUTHEAST LLC  
18-8035 ADIGUN, LORETTA C. V. EXPRESS SCRIPTS, INC.  
18-8118 DAVIS, ALVIN V. LOUISIANA  
18-8223 YOUNG, MICHAEL A. V. OLIVER, JUDGE, ETC., ET AL.

The petitions for rehearing are denied.

Statement of BREYER, J.

**SUPREME COURT OF THE UNITED STATES**

MOATH HAMZA AHMED AL-ALWI *v.* DONALD J.  
TRUMP, PRESIDENT OF THE  
UNITED STATES, ET AL.

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

No. 18–740 Decided June 10, 2019

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

Statement of JUSTICE BREYER respecting the denial of certiorari.

In the immediate aftermath of the terrorist attacks of September 11, 2001, Congress passed the Authorization for Use of Military Force (AUMF), 115 Stat. 224. The AUMF states that the President may “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided” those attacks. §2(a), *ibid.* In *Hamdi v. Rumsfeld*, 542 U. S. 507 (2004), a majority of this Court understood the AUMF to permit the President to detain certain enemy combatants for the duration of the relevant conflict. *Id.*, at 517–518 (plurality opinion); *id.*, at 587 (THOMAS, J., dissenting).

Justice O’Connor’s plurality opinion cautioned that “[i]f the practical circumstances” of that conflict became “entirely unlike those of the conflicts that informed the development of the law of war,” the Court’s “understanding” of what the AUMF authorized “may unravel.” *Id.*, at 521. Indeed, in light of the “unconventional nature” of the “war on terror,” there was a “substantial prospect” that detention for the “duration of the relevant conflict” could

Statement of BREYER, J.

amount to “perpetual detention.” *Id.*, at 519–521. But as this was “not the situation we face[d] as of th[at] date,” the plurality reserved the question whether the AUMF or the Constitution would permit such a result. *Id.*, at 517–518.

In my judgment, it is past time to confront the difficult question left open by *Hamdi*. See *Boumediene v. Bush*, 553 U. S. 723, 797–798 (2008) (“Because our Nation’s past military conflicts have been of limited duration, it has been possible to leave the outer boundaries of war powers undefined. If, as some fear, terrorism continues to pose dangerous threats to us for years to come, the Court might not have this luxury”); *Hussain v. Obama*, 572 U. S. 1079 (2014) (statement of BREYER, J., respecting denial of certiorari).

Some 17 years have elapsed since petitioner Moath Hamza Ahmed al-Alwi, a Yemeni national, was first held at the United States Naval Base at Guantanamo Bay, Cuba. In the decision below, the District of Columbia Circuit agreed with the Government that it may continue to detain him so long as “armed hostilities between United States forces and [the Taliban and al-Qaeda] persist.” 901 F. 3d 294, 298–299 (2018). The Government represents that such hostilities are ongoing, but does not state that any end is in sight. Brief in Opposition 4–5. As a consequence, al-Alwi faces the real prospect that he will spend the rest of his life in detention based on his status as an enemy combatant a generation ago, even though today’s conflict may differ substantially from the one Congress anticipated when it passed the AUMF, as well as those “conflicts that informed the development of the law of war.” *Hamdi*, 542 U. S., at 521 (plurality opinion).

“The denial of a writ of certiorari imports no expression of opinion upon the merits of the case.” *United States v. Carver*, 260 U. S. 482, 490 (1923). I would, in an appropriate case, grant certiorari to address whether, in light of the duration and other aspects of the relevant conflict, Con-

Statement of BREYER, J.

gress has authorized and the Constitution permits continued detention.