(ORDER LIST: 577 U.S.)

MONDAY, MARCH 21, 2016

ORDERS IN PENDING CASES

15M89 KONOVER, MICHAEL V. WELLS FARGO BANK

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

15M90 TAYLOR, VERSIAH M. V. UNITED STATES

15M91 HALL, ERIC D. V. BRENNAN, POSTMASTER GEN.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

142, ORIG. FLORIDA V. GEORGIA

The motion of the Special Master for allowance of fees and disbursements is granted, and the Special Master is awarded a total of $41,564.31 for the period September 1, 2015, through January 31, 2016, to be paid equally by the parties.

15-7 UNIVERSAL HEALTH SERVICES, INC. V. ESCOBAR, JULIO, ET AL.

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

15-610 MIDLAND FUNDING, ET AL. V. MADDEN, SALIHA

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

15-6565 LONG, ELBERT P. V. MINTON, CHIEF JUSTICE, ET AL.

15-6878 IN RE CARMEN E. CAMPBELL

The motions of petitioners for reconsideration of orders

denying leave to proceed *in forma pauperis* are denied.

15-7603 IN RE BARRY R. SCHOTZ

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied. Justice Kagan took no part in the consideration or decision of this motion.

15-7713 XU, YAN PING V. NEW YORK, NY, ET AL.

15-7719 LASLIE, PETER J. V. CHICAGO TRANSIT AUTHORITY

15-7910 DOAK, EDNA V. JOHNSON, SEC. OF HOMELAND

15-8013 BURSE, THOMAS L. V. GOTTLIEB, MARK, ET AL.

15-8187 SLOCUM, CALVIN V. USPS

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until April 11, 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 GRANTED

15-777 SAMSUNG ELECTRONICS CO., ET AL. V. APPLE INC.

The petition for a writ of certiorari is granted limited to Question 2 presented by the petition.

CERTIORARI DENIED

15-168 RYNEARSON, RICHARD V. LANDS, JUSTIN K., ET AL.

15-424 ELECTRONIC ARTS INC. V. DAVIS, MICHAEL E., ET AL.

15-439 AETNA LIFE INSURANCE CO., ET AL. V. LeGRAS, ANDRE

15-527 MEBO INT'L V. YAMANAKA, SHINYA

15-580 COOK, WARDEN V. BARTON, THOMAS A.

15-585 ROSEMOND, JUSTUS C. V. UNITED STATES

15-590 FLOREZ, NILFOR Y. V. LYNCH, ATT'Y GEN.

15-607 BIOGEN MA, INC. V. JAPANESE FOUNDATION FOR CANCER

15-641 UINTAH COUNTY, UT, ET AL. V. UTE INDIAN TRIBE

15-706 McWANE, INC. V. FTC

15-709 CRESSMAN, KEITH V. THOMPSON, MICHAEL C., ET AL.

15-746 BONIDY, TAB, ET AL. V. USPS, ET AL.

15-749 UNITED VETERANS, ET AL. V. NEW ROCHELLE, NY, ET AL.

15-750 WAN HAI LINES, LTD., ET AL. V. ELITE LOGISTICS CORP., ET AL.

15-755 BOARD OF TRUSTEES, ET AL. V. BOS, GREGORY

15-763 OSTENSON, HAROLD, ET UX. V. HOLZMAN, GREG, ET AL.

15-784 BEACON RESOURCES, INC. V. WV DEPT. OF TRANSPORTATION

15-864 CHAMBERS, VIOLA V. HSBC BANK USA, N.A., ET AL.

15-865 THOMAS, HOKE S. V. HANGER, JOHN M.

15-867 FROMAL, PATRICIA W. V. SINK, L. WALLACE

15-869 FLYNN, MICHAEL J. V. YELLOWSTONE MOUNTAIN CLUB

15-871 FLORIDA V. HENRY, LEIGHDON

15-876 DODGE OF NAPERVILLE, INC. V. NLRB

15-877 COLUMBIA VENTURE, LLC V. RICHLAND COUNTY, SC

15-879 BATTON, DONNISE V. COMMUNICATION WKRS. OF AM.

15-894 DOUDS, KENNETH L. V. TEXAS

15-895 MEISNER, RHONDA V. ZYMOGENETICS, ET AL.

15-896 MORALES, FERNANDO V. SQUARE, INC.

15-903 J. B. V. FASSNACHT, JAMES B., ET AL.

15-909 ELLIS, MICHAEL D. V. LOUISIANA

15-913 ZHENG, LUO V. ZHANG, JIANYI

15-916 COVEN, DANIEL S. V. ARIZONA

15-919 SINGH, SUKHWINDER V. LYNCH, ATT'Y GEN.

15-934 MALDONADO, MARIXIA, ET AL. V. DeLONG, TONY, ET AL.

15-935 LEMPERT, DAVID V. POWER, SAMANTHA, ET AL.

15-941 OAKLAND, CA V. LYNCH, ATT'Y GEN., ET AL.

15-953 SHANKLIN, CLAYTON A. V. ALABAMA

15-956 CAMPBELL, KATHRYN L. V. AMERICAN INT'L GROUP, ET AL.

15-957 DWYER, JOHNNY V. UNITED STATES

15-967 RECHTZIGEL, GENE V. MOHRMAN & KAARDAL, P.A.

15-974 JOAO BOCK TRANSACTION SYSTEMS V. JACK HENRY & ASSOCIATES, INC.

15-975 PURIFOY, DEBBIE T. V. ALABAMA

15-986 WERNER, VINCENT D. V. STEPHENS, DIR., TX DCJ

15-1012 BLACKINGTON, ADAM R. V. VIRGINIA

15-1015 MARTIN, RICHARD G. V. UNITED STATES

15-1025 BRIARTEK IP, INC. V. DeLORME PUBLISHING CO., ET AL.

15-6063 POWELL, AARON V. TOMPKINS, SHERIFF

15-6341 RANDOLPH-KENNEDY, LAURA V. VERIZON SERVICES CORP.

15-6356 SHINE, ANTHONY G. V. UNITED STATES

15-6490 JOHNSON, NORMAN V. JUST ENERGY

15-6549 BAUTISTA-AVELINO, MARCOS A. V. UNITED STATES

15-6703 BROOKS, CEDRIC O. V. JONES, SEC., FL DOC

15-6840 THOMAS, JAMES R., ET UX. V. CHATTAHOOCHEE JUDICIAL CIRCUIT

15-6874 WILLIAMS, LAWRENCE E. V. UNITED STATES

15-6918 WILLIAMS, MALTESE L. V. WISCONSIN

15-6990 KOSMES, DOMINIC V. UNITED STATES

15-6992 SAIZ, GABRIEL A. V. UNITED STATES

15-7072 WILLIAMS, XAVIER S. V. MONTGOMERY, WARDEN

15-7094 MOBLEY, KHUSAR V. UNITED STATES

15-7349 YOUNG, CLINTON L. V. STEPHENS, DIR., TX DCJ

15-7380 WARD, BRUCE V. KELLEY, DIR., AR DOC

15-7476 HOBART, ROBERT L. V. FLORIDA

15-7624 CRAWFORD, RODRICUS V. LOUISIANA

15-7661 SCULLARK, SHERMAN V. ILLINOIS

15-7666 BARNEY, AUTRY E. V. ASARCO, L.L.C., ET AL.

15-7671 NATHAN, ERIC L. V. CALIFORNIA

15-7683 WEST, STEPHEN M. V. WESTBROOKS, WARDEN

15-7687 HAMILTON-RIVERS, TRACI D. V. GREELEY, CO

15-7688 GRASON, ANTHONY V. HSBC BANK USA

15-7689 SEUMANU, ROPATI V. CALIFORNIA

15-7691 McGREGORY, DANIEL V. ILLINOIS

15-7693 RIVERS, BERNARD K. V. GREELEY CO

15-7694 DOZIER, ANTOINE D. V. CALIFORNIA

15-7698 TOBIAS, PATRICK K. V. BOWERSOX, WARDEN

15-7703 SELF, CHRISTOPHER V. CALIFORNIA

15-7704 REEDMAN, DAVID V. BRYSON, COMM'R, GA DOC

15-7705 RICCO, ANTHONY V. ANNUCCI, ACTING COMM'R, NY DOC

15-7708 BROWN, FELIX V. LAZAROFF, WARDEN

15-7710 BOYER, SHAWN M. V. JONES, SEC., FL DOC

15-7714 TURNER, JOHN A. V. MARYLAND

15-7715 THOMAS, GEORGE G. V. TENNESSEE

15-7717 KEELS, JAMES K. V. TEXAS

15-7720 JONES, MORRIS J. V. STEPHENS, DIR., TX DCJ

15-7725 O'KEEFE, TIMOTHY V. CALIFORNIA

15-7729 PECK, FRANK M. V. WASHOE COUNTY, NV, ET AL.

15-7730 SCHMITT, ROBERT J. V. TEXAS

15-7731 RATCHFORD, JEFFREY S. V. ARKANSAS

15-7734 WILSON, MICHAEL V. NEW YORK

15-7736 TAYLOR, TERRELL V. NEW YORK

15-7737 WILLIAMSON, ANTHONY B. V. ARKANSAS

15-7738 SMITH, JOHN E. V. ILLINOIS

15-7739 SPRATT, WESLEY V. WALL, DIR., RI DOC, ET AL.

15-7741 WILHELM, STEVEN H. V. WOODFORD, JEANNIE

15-7743 DeCAPRIO, STEVEN V. ROCKRIDGE PROPERTIES, LLC

15-7744 LAWS, RANDELL G. V. HUGHES, JUDGE, USDC SD TX

15-7745 KITCHEN, JAMES E. V. KLEE, WARDEN

15-7746 PETROVIC, DAVID V. ENTERPRISE LEASING CO., ET AL.

15-7748 STURGIS, DONALD C. V. MICHIGAN

15-7749 TAYLOR, WARREN S. V. VIRGINIA

15-7750 ROANE, MELVIN M. V. VIRGINIA

15-7753 SMITH, JONATHAN D. V. MISSOURI, ET AL.

15-7759 SWINSON, WILLIAM B. V. CLARKE, DIR., VA DOC

15-7761 MURPHY, CAROL V. USDC DC

15-7765 POPE, SHELTON V. TENNESSEE

15-7766 BROWN, STEVEN D. V. SUPERIOR COURT OF CA, ET AL.

15-7774 SMITH, JOVAN'Z V. CLARK, WARDEN

15-7775 REILLY, SEAN P. V. HERRERA, GUELSY, ET AL.

15-7779 ARELLANO, ERNESTO V. PFEIFFER, ACTING WARDEN

15-7780 TAYLOR, RONALD W. V. SAN DIEGO COUNTY, CA, ET AL.

15-7781 WOOD, BRUCE V. PIERCE, WARDEN, ET AL.

15-7784 NICHOLS, JOHNNY L. V. KELLEY, DIR., AR DOC

15-7788 STEWART, PHILLIP D. V. MURPHY, A., ET AL.

15-7794 BURNSIDE, TIMOTHY R. V. NEVADA

15-7802 DAVIS, ANDREW N. V. CARPENTER, WARDEN

15-7805 CASTRO, DANIEL V. CALIFORNIA

15-7806 MORRIS, IRVING J. V. CAIN, WARDEN

15-7807 NAYAK, SANDEEP V. C.G.A. LAW FIRM, ET AL.

15-7808 SMITH, GERALD R. V. KENTUCKY

15-7810 ALJA-IZ, CALIPH V. VI BOARD OF EDUCATION

15-7861 STEWART, CARL W. V. UNITED STATES

15-7869 JOHNSON, MARVIN V. CRUTCHFIELD, WARDEN

15-7914 LORDMASTER, FRANKIE J. V. DAVIS, IVAN D., ET AL.

15-7920 WARE, DAVID E. V. NEBRASKA

15-7934 GARBER, ROBERT V. LOS ANGELES, CA

15-7936 HALL, VIRGIL V. KIRBY, WARDEN, ET AL.

15-7941 WOODWARD, ELLO M. V. COAKLEY, JOE, ET AL.

15-7943 HILL, JESSIE V. McDANIEL, DUSTIN, ET AL.

15-7944 HARVEY, DANNY V. ALABAMA

15-7959 JU, FRANCES D. V. WASHINGTON

15-7970 ESTRADA, ISMAEL V. GOODEN, RONALD D., ET AL.

15-7973 MARSHALL, KALVIN V. PAYNE, ROBERT E., ET AL.

15-7981 MELGOZA, ADRIAN V. KIRKLAND, ASSOC. WARDEN

15-7985 SANCHEZ-LLAMAS, MOISES V. PERSSON, SUPT., OR

15-7989 HUGHES, MICHAEL L. V. CALIFORNIA

15-8014 BAMDAD, MASOUD V. DEA, ET AL.

15-8042 HALL, JOHNATHAN R. V. UNITED STATES

15-8044 VORE, WILLIAM B. V. BRADSHAW, WARDEN

15-8055 BOUR, CHRISTOPHER V. UNITED STATES

15-8058 DIXON, DAVID L. V. BALLARD, WARDEN

15-8065 PITTMAN, AARON V. NORTH CAROLINA

15-8067 PETERSON, HENRY L. V. JONES, SEC., FL DOC, ET AL.

15-8081 MOODY, DANIEL T. V. UNITED STATES

15-8082 SIMMONS, ANTHONY L. V. UNITED STATES

15-8083 KENNEDY, KALEN A. V. UNITED STATES

15-8084 LASSEQUE, DAVID V. UNITED STATES

15-8092 RAFFERTY, RONALD V. UNITED STATES

15-8094 DOUGHERTY, LEE V. UNITED STATES

15-8095 FRY, LLOYD J. V. UNITED STATES

15-8097 SPEROW, GREGORY F. V. UNITED STATES

15-8100 MENDOZA-LOPEZ, LUIS V. UNITED STATES

15-8101 JEFFERSON, GEORGE V. UNITED STATES

15-8102 OJO, DAVID O. V. UNITED STATES

15-8103 PAULINO-GUZMAN, OMAR V. UNITED STATES

15-8104 MORRIS, MARK J. V. UNITED STATES

15-8106 VONDETTE, MICHAEL J. V. IVES, COMPLEX WARDEN

15-8107 WALKER, GWENDOLYN V. BRENNAN, POSTMASTER GEN., ET AL.

15-8110 JACKSON, GLENN S. V. UNITED STATES

15-8111 MARTINEZ-IBARRA, JESUS V. UNITED STATES

15-8116 LARSEN, DANIEL L. V. UNITED STATES

15-8118 BROWN, KORRIGAN V. UNITED STATES

15-8122 RIVERA-PAREDES, JESUS M. V. UNITED STATES

15-8125 HERNANDEZ-RODRIGUEZ, CANDELARIO V. UNITED STATES

15-8131 ECCLESTON, XAVIER D. V. UNITED STATES

15-8136 JONES, CORY W. V. UNITED STATES

15-8137 GILMORE, DUWANE V. UNITED STATES

15-8139 McDONALD, ERIC R. V. UNITED STATES

15-8140 MYLES, RICHELE N. V. UNITED STATES

15-8146 BIGELOW, WADE H. V. UNITED STATES

15-8148 GARCIA, MARLO V. UNITED STATES

15-8171 HUNT, JESSICA L., ET AL. V. UNITED STATES

15-8176 AUBREY, WILLIAM V. UNITED STATES

15-8183 MONTIEL, ULILCES V. UNITED STATES

15-8184 MORENO-PADILLA, JUAN A. V. UNITED STATES

15-8188 CROFT, DONALD R. V. UNITED STATES

15-8189 HUFF, DARREN W. V. UNITED STATES

15-8190 GARCIA-PILLADO, JESUS V. UNITED STATES

15-8191 HERNANDEZ, NOEL V. UNITED STATES

15-8192 GAGNON, LINDA R. V. UNITED STATES

15-8196 ROJAS, OMAR F. V. UNITED STATES

15-8200 RIVERA-GONZALEZ, GABRIEL V. UNITED STATES

15-8201 HORTON, CHARLES V. UNITED STATES

15-8202 HUGGINS, ANDRE M. V. UNITED STATES

15-8203 MARTINEZ-RODRIGUEZ, JOSE A. V. UNITED STATES

15-8210 AGUILAR-OSORTO, JUAN C. V. UNITED STATES

15-8211 ALVARADO, PEDRO V. UNITED STATES

15-8212 BEAS, FRANCISCO V. UNITED STATES

15-8217 URIBES-GUARDIOLA, TOMAS A. V. UNITED STATES

15-8218 YOUNG, OSBORNE V. UNITED STATES

15-8222 HIMMELREICH, WALTER V. BAIRD, WARDEN, ET AL.

15-8223 HARPER, MICHAEL G. V. UNITED STATES

15-8231 GONZALEZ-MENDEZ, ANGEL V. UNITED STATES

15-8233 STEWART, TERRANCE E. V. UNITED STATES

15-8235 RANGEL, ROQUE V. UNITED STATES

15-8237 CORBIN, RICHARD V. UNITED STATES

15-8238 CASTILLO, JOE A. V. UNITED STATES

15-8239 SMITH, RICKEY R. V. UNITED STATES

15-8242 BOGOMOL, GREGORY V. UNITED STATES

15-8247 GALLOWAY, ANGELO V. UNITED STATES

15-8248 GOMEZ, ANNIEL V. UNITED STATES

15-8264 ODEN, CHRISTOPHER W. V. UNITED STATES

15-8275 MARLOWE, KEVIN D. V. THOMAS, WARDEN

15-8296 FORTSON, KAREEM L. V. UNITED STATES

The petitions for writs of certiorari are denied.

15-630 BAKER, WARDEN V. RILEY, BILLY R.

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

15-640 WASATCH COUNTY, UT, ET AL. V. UTE INDIAN TRIBE

The motion of Myton City for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

15-765 FRANK, THEODORE H. V. POERTNER, JOSHUA D., ET AL.

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

15-858 CLEMENTS, WARDEN V. THOMAS, OSCAR C.

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

15-891 AURELIUS CAPITAL MANAGEMENT V. TRIBUNE MEDIA CO., ET AL.

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

15-914 CREECH, WILLIS L. V. MUNIZ, WARDEN

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

15-1016 SPRINGER, LINDSEY K. V. CHAPA, WARDEN

15-6560 BASHAM, BRANDON L. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice

Kagan took no part in the consideration or decision of these petitions.

15-7676 QUINTANA, MISAEL V. GIPSON, CONNIE

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

15-7742 RUNNELS, JASON V. McDOWELL, WARDEN

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

15-7799 ROMERO, ORLANDO G. V. CALIFORNIA

The motion of Survivors of Murder Victims and Counselors of Such Survivors for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

15-8194 GUNTER, JOHNNY V. UNITED STATES

15-8234 MABRY, JAMES V. SHARTEL, WARDEN

15-8251 SANTIAGO-LUGO, ISRAEL V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

HABEAS CORPUS DENIED

15-8244 IN RE JEMETRIC DEBROW

15-8288 IN RE SAMUEL A. McCORMICK

15-8359 IN RE DANIELLE DEROVEN

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

15-907 IN RE MICHAEL HOUSTON, ET AL.

15-8006 IN RE RAFAEL A. JOSEPH

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

15-348 ALEXOPOULOS, EKATERINI, ET VIR V. GORDON HARGROVE AND JAMES, P.A.

15-440 DIAZ, EDMUNDO C. V. CITIMORTGAGE, INC.

15-447 SCHOEPS, JULIUS H., ET AL. V. BAVARIA, GERMANY

15-520 HAAGENSEN, JANICE S. V. WHERRY, JUDGE, ETC., ET AL.

15-613 RODRIGUEZ, MARTHA V. AMERICAN HOME MORTGAGE

15-5707 PHILLIPS, DELORIS V. TX DEPT. OF PUBLIC SAFETY

15-6430 SMITH, DELMER V. FLORIDA

15-6474 GOUCH-ONASSIS, DEBORAH E. V. UNITED STATES

15-6597 JOHNSON, NANCY V. SANTA CLARA COUNTY, CA

15-6630 COOPER, FRANCYNE J. V. OFFICE OF WORKERS' COMP., ET AL.

15-6646 HAMILTON, FLOYD, ET AL. V. UNITED STATES

15-6717 KRONENBERG, MICHELLE V. OHIO

15-6722 GATES, JOAN L. V. NORTH DAKOTA

15-6812 McFADDEN, JEROME V. BUSH, WARDEN

15-6817 VIERS, IRVIN S. V. SHEPARD, WARDEN

15-6823 BARNEY, AUTRY E. V. CONGOLEUM CORPORATION, ET AL.

15-6857 IN RE JAMES K. RUPPERT

15-6906 CARDELLE, IDELFONSO V. WILMINGTON TRUST, N.A.

15-6914 RICHARD, DONALD V. MOHR, GARY C., ET AL.

15-6941 CLARK, RAYMOND V. CALIFORNIA

15-6954 COPPOLA, JOSEPH V. O'BRIEN, WARDEN

15-7312 MOSTELLER, MEGAN N. V. UNITED STATES

15-7428 MALOUFF, CHARLES V. UNITED STATES

15-7455 JACKSON, IRA C. V. UNITED STATES

The petitions for rehearing are denied.

15-6805 DAVIS, MICHAEL L. V. DISTRICT OF COLUMBIA

The motion for leave to file a petition for rehearing is

denied.

ATTORNEY DISCIPLINE

D-2881 IN THE MATTER OF DISCIPLINE OF HERBERT EDGAR McMEEN

Herbert Edgar McMeen, of Carbondale, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2882 IN THE MATTER OF DISCIPLINE OF MICHAEL A. BRUSH

Michael A. Brush, of Sylmar, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2883 IN THE MATTER OF DISCIPLINE OF LEROY RUSSELL CASTLE

Leroy Russell Castle, of Durham, North Carolina, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2884 IN THE MATTER OF DISCIPLINE OF GEORGE MARK ZUGANELIS

George Mark Zuganelis, of Harwood Heights, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2885 IN THE MATTER OF DISCIPLINE OF DAVID HARRISON DAVIES

David Harrison Davies, of Willoughby, Ohio, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he

should not be disbarred from the practice of law in this Court.

D-2886 IN THE MATTER OF DISCIPLINE OF STEPHEN E. CARTER

Stephen E. Carter, of Beaufort, South Carolina, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

Per Curiam

SUPREME COURT OF THE UNITED STATES

JAIME CAETANO *v.* MASSACHUSETTS

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MASSACHUSETTS

No. 14–10078. Decided March 21, 2016

PER CURIAM.

The Court has held that "the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding," *District of Columbia* v. *Heller*, 554 U. S. 570, 582 (2008), and that this "Second Amendment right is fully applicable to the States," *McDonald* v. *Chicago*, 561 U. S. 742, 750 (2010). In this case, the Supreme Judicial Court of Massachusetts upheld a Massachusetts law prohibiting the possession of stun guns after examining "whether a stun gun is the type of weapon contemplated by Congress in 1789 as being protected by the Second Amendment." 470 Mass. 774, 777, 26 N. E. 3d 688, 691 (2015).

The court offered three explanations to support its holding that the Second Amendment does not extend to stun guns. First, the court explained that stun guns are not protected because they "were not in common use at the time of the Second Amendment's enactment." *Id.,* at 781, 26 N. E. 3d, at 693. This is inconsistent with *Heller*'s clear statement that the Second Amendment "extends . . . to . . . arms . . . that were not in existence at the time of the founding." 554 U. S., at 582.

The court next asked whether stun guns are "dangerous per se at common law and unusual," 470 Mass., at 781, 26 N. E. 3d, at 694, in an attempt to apply one "important limitation on the right to keep and carry arms," *Heller*, 554 U. S., at 627; see *ibid.* (referring to "the historical tradition of prohibiting the carrying of 'dangerous and

unusual weapons'"). In so doing, the court concluded that stun guns are "unusual" because they are "a thoroughly modern invention." 470 Mass., at 781, 26 N. E. 3d, at 693–694. By equating "unusual" with "in common use at the time of the Second Amendment's enactment," the court's second explanation is the same as the first; it is inconsistent with *Heller* for the same reason.

Finally, the court used "a contemporary lens" and found "nothing in the record to suggest that [stun guns] are readily adaptable to use in the military." 470 Mass., at 781, 26 N. E. 3d, at 694. But *Heller* rejected the proposition "that only those weapons useful in warfare are protected." 554 U. S., at 624–625.

For these three reasons, the explanation the Massachusetts court offered for upholding the law contradicts this Court's precedent. Consequently, the petition for a writ of certiorari and the motion for leave to proceed *in forma pauperis* are granted. The judgment of the Supreme Judicial Court of Massachusetts is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

JAIME CAETANO *v.* MASSACHUSETTS

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MASSACHUSETTS

No. 14–10078. Decided March 21, 2016

JUSTICE ALITO, with whom JUSTICE THOMAS joins, concurring in the judgment.

After a "bad altercation" with an abusive boyfriend put her in the hospital, Jaime Caetano found herself homeless and "in fear for [her] life." Tr. 31, 38 (July 10, 2013). She obtained multiple restraining orders against her abuser, but they proved futile. So when a friend offered her a stun gun "for self-defense against [her] former boy friend," 470 Mass. 774, 776, 26 N. E. 3d 688, 690 (2015), Caetano accepted the weapon.

It is a good thing she did. One night after leaving work, Caetano found her ex-boyfriend "waiting for [her] outside." Tr. 35. He "started screaming" that she was "not gonna [expletive deleted] work at this place" any more because she "should be home with the kids" they had together. *Ibid.* Caetano's abuser towered over her by nearly a foot and outweighed her by close to 100 pounds. But she didn't need physical strength to protect herself. She stood her ground, displayed the stun gun, and announced: "I'm not gonna take this anymore. . . . I don't wanna have to [use the stun gun on] you, but if you don't leave me alone, I'm gonna have to." *Id.,* at 35–36. The gambit worked. The ex-boyfriend "got scared and he left [her] alone." *Id.,* at 36.

It is settled that the Second Amendment protects an individual right to keep and bear arms that applies against both the Federal Government and the States. *District of Columbia* v. *Heller*, 554 U. S. 570 (2008); *McDonald* v. *Chicago*, 561 U. S. 742 (2010). That right

vindicates the "basic right" of "individual self-defense." *Id.*, at 767; see *Heller*, *supra*, at 599, 628. Caetano's encounter with her violent ex-boyfriend illustrates the connection between those fundamental rights: By arming herself, Caetano was able to protect against a physical threat that restraining orders had proved useless to prevent. And, commendably, she did so by using a weapon that posed little, if any, danger of permanently harming either herself or the father of her children.

Under Massachusetts law, however, Caetano's mere possession of the stun gun that may have saved her life made her a criminal. See Mass. Gen. Laws, ch. 140, §131J (2014). When police later discovered the weapon, she was arrested, tried, and convicted. The Massachusetts Supreme Judicial Court affirmed the conviction, holding that a stun gun "is not the type of weapon that is eligible for Second Amendment protection" because it was "not in common use at the time of [the Second Amendment's] enactment." 470 Mass., at 781, 26 N. E. 3d, at 693.

This reasoning defies our decision in *Heller*, which rejected as "bordering on the frivolous" the argument "that only those arms in existence in the 18th century are protected by the Second Amendment." 554 U. S., at 582. The decision below also does a grave disservice to vulnerable individuals like Caetano who must defend themselves because the State will not.

I

The events leading to Caetano's prosecution occurred sometime after the confrontation between her and her ex-boyfriend. In September 2011, police officers responded to a reported shoplifting at an Ashland, Massachusetts, supermarket. The store's manager had detained a suspect, but he identified Caetano and another person in the parking lot as potential accomplices. Police approached the two and obtained Caetano's consent to search her

purse. They found no evidence of shoplifting, but saw Caetano's stun gun. Caetano explained to the officers that she had acquired the weapon to defend herself against a violent ex-boyfriend.

The officers believed Caetano, but they arrested her for violating Mass. Gen. Laws, ch. 140, §131J, "which bans entirely the possession of an electrical weapon," 470 Mass., at 775, 26 N. E. 3d, at 689.[1] When Caetano moved to dismiss the charge on Second Amendment grounds, the trial court denied the motion.

A subsequent bench trial established the following undisputed facts. The parties stipulated that Caetano possessed the stun gun and that the weapon fell within the statute's prohibition.[2] The Commonwealth also did not challenge Caetano's testimony that she possessed the weapon to defend herself against the violent ex-boyfriend. Indeed, the prosecutor urged the court "to believe the defendant." Tr. 40. The trial court nonetheless found

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[1] Specifically, the statute prohibits the possession of any "portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill." Mass. Gen. Laws, ch. 140, §131J (2014). The statute includes exceptions for law-enforcement officers and weapon suppliers, who may possess electrical weapons "designed to incapacitate temporarily." *Ibid.* Violations are punishable by a fine of $500 to $1,000, imprisonment of 6 months to 2½ years, or both. *Ibid.*

[2] Stun guns like Caetano's "are designed to stun a person with an electrical current" by running a current between two metal prongs on the device and placing the prongs in direct contact with the person. 470 Mass. 774, 775, n. 2, 26 N. E. 3d 688, 689, n. 2 (2015). A similar device, popularly known by the brand name "Taser," shoots out wires tipped with electrodes that can deliver an electrical current from a distance. Tr. 25–26. Tasers can also be used like a stun gun without deploying the electrodes—a so-called "dry stun." *Id.,* at 26. As the Commonwealth's witness testified at trial, these sorts of electrical weapons are "non-lethal force" "designed to incapacitate"—"not kill"—a target. *Id.,* at 27.

Caetano guilty, and she appealed to the Massachusetts Supreme Judicial Court.

The Supreme Judicial Court rejected Caetano's Second Amendment claim, holding that "a stun gun is not the type of weapon that is eligible for Second Amendment protection." 470 Mass., at 775, 26 N. E. 3d, at 689. The court reasoned that stun guns are unprotected because they were "not 'in common use at the time' of enactment of the Second Amendment," *id.,* at 781, 26 N. E. 3d, at 693 (quoting *Heller*, *supra*, at 627), and because they fall within the "traditional prohibition against carrying dangerous and unusual weapons," 470 Mass.*,* at 779, 26 N. E. 3d, at 692 (citing *Heller*, *supra*, at 627).

II

Although the Supreme Judicial Court professed to apply *Heller*, each step of its analysis defied *Heller*'s reasoning.

A

The state court repeatedly framed the question before it as whether a particular weapon was "'in common use at the time' of enactment of the Second Amendment." 470 Mass., at 781, 26 N. E. 3d, at 693; see also *id.,* at 779, 780, 781, 26 N. E. 3d, at 692, 693, 694. In *Heller*, we emphatically rejected such a formulation. We found the argument "that only those arms in existence in the 18th century are protected by the Second Amendment" not merely wrong, but "bordering on the frivolous." 554 U. S., at 582. Instead, we held that "the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, *even those that were not in existence at the time of the founding*." *Ibid.* (emphasis added).[3] It is hard to

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[3]Stun guns are plainly "bearable arms." As *Heller* explained, the term includes any "[w]eapo[n] of offence" or "thing that a man wears for his defence, or takes into his hands," that is "carr[ied] . . . for the purpose of offensive or defensive action." 554 U. S., at 581, 584 (inter-

imagine language speaking more directly to the point. Yet the Supreme Judicial Court did not so much as mention it.

Instead, the court seized on language, originating in *United States* v. *Miller*, 307 U. S. 174 (1939), that "'the sorts of weapons protected were those "in common use at the time."'" 470 Mass., at 778, 26 N. E. 3d, at 692 (quoting *Heller*, *supra*, at 627, in turn quoting *Miller*, *supra*, at 179). That quotation does not mean, as the court below thought, that only weapons popular in 1789 are covered by the Second Amendment. It simply reflects the reality that the founding-era militia consisted of citizens "who would bring the sorts of lawful weapons that they possessed at home to militia duty," *Heller*, 554 U. S., at 627, and that the Second Amendment accordingly guarantees the right to carry weapons "typically possessed by law-abiding citizens for lawful purposes," *id.,* at 625. While stun guns were not in existence at the end of the 18th century, the same is true for the weapons most commonly used today for self-defense, namely, revolvers and semiautomatic pistols. Revolvers were virtually unknown until well into the 19th century,[4] and semiautomatic pistols were not invented until near the end of that century.[5] Electronic stun guns are no more exempt from the Second Amendment's protections, simply because they were unknown to the First Congress, than electronic communications are exempt from the First Amendment, or electronic imaging devices are exempt from the Fourth Amendment. *Id.,* at 582 (citing *Reno* v. *American Civil Liberties Union*, 521

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nal quotation marks omitted).

[4] See J. Bilby, A Revolution in Arms: A History of the First Repeating Rifles 23 (2006). Samuel Colt did not patent his famous revolver until 1836. *Ibid.*

[5] See Firearms: An Illustrated History 166 (2014); see also W. Greener, The Gun and Its Development 524–529, 531–534 (9th ed. 1910) (discussing revolvers and self-loading semiautomatic pistols as "modern pistols").

U. S. 844, 849 (1997), and *Kyllo* v. *United States*, 533 U. S. 27, 35–36 (2001)). As *Heller* aptly put it: "We do not interpret constitutional rights that way." 554 U. S., at 582.

B

The Supreme Judicial Court's holding that stun guns may be banned as "dangerous and unusual weapons" fares no better. As the *per curiam* opinion recognizes, this is a conjunctive test: A weapon may not be banned unless it is *both* dangerous *and* unusual. Because the Court rejects the lower court's conclusion that stun guns are "unusual," it does not need to consider the lower court's conclusion that they are also "dangerous." See *ante*, at 1–2. But make no mistake—the decision below gravely erred on both grounds.

1

As to "dangerous," the court below held that a weapon is "dangerous per se" if it is "'designed and constructed to produce death or great bodily harm' and 'for the purpose of bodily assault or defense.'" 470 Mass., at 779, 26 N. E. 3d, at 692 (quoting *Commonwealth* v. *Appleby*, 380 Mass. 296, 303, 402 N. E. 2d 1051, 1056 (1980)). That test may be appropriate for applying statutes criminalizing assault with a dangerous weapon. See *ibid.*, 402 N. E. 2d, at 1056. But it cannot be used to identify arms that fall outside the Second Amendment. First, the relative dangerousness of a weapon is irrelevant when the weapon belongs to a class of arms commonly used for lawful purposes. See *Heller*, *supra*, at 627 (contrasting "'dangerous and unusual weapons'" that may be banned with protected "weapons . . . 'in common use at the time'"). Second, even in cases where dangerousness might be relevant, the Supreme Judicial Court's test sweeps far too broadly. *Heller* defined the "Arms" *covered by* the Second Amendment to include "'any thing that a man wears for his defence, or takes into his

hands, or useth in wrath to cast at or strike another.'" 554 U. S., at 581. Under the decision below, however, virtually every covered arm would qualify as "dangerous."

Were there any doubt on this point, one need only look at the court's first example of "dangerous per se" weapons: "firearms." 470 Mass., at 779, 26 N. E. 3d, at 692. If *Heller* tells us anything, it is that firearms cannot be categorically prohibited just because they are dangerous. 554 U. S., at 636. *A fortiori*, stun guns that the Commonwealth's own witness described as "non-lethal force," Tr. 27, cannot be banned on that basis.

2

The Supreme Judicial Court's conclusion that stun guns are "unusual" rested largely on its premise that one must ask whether a weapon was commonly used in 1789. See 470 Mass., at 780–781, 26 N. E. 3d, at 693–694. As already discussed, that is simply wrong. See *supra,* at 4–6.

The court also opined that a weapon's unusualness depends on whether "it is a weapon of warfare to be used by the militia." 470 Mass., at 780, 26 N. E. 3d, at 693. It asserted that we followed such an approach in *Miller* and "approved its use in *Heller*." 470 Mass., at 780, 26 N. E. 3d, at 693. But *Heller* actually said that it would be a "startling reading" of *Miller* to conclude that "only those weapons useful in warfare are protected." 554 U. S., at 624. Instead, *Miller* and *Heller* recognized that militia members traditionally reported for duty carrying "the sorts of lawful weapons that they possessed at home," and that the Second Amendment therefore protects such weapons as a class, regardless of any particular weapon's suitability for military use. 554 U. S., at 627; see *id.,* at 624–625. Indeed, *Heller* acknowledged that advancements in military technology might render many commonly owned weapons ineffective in warfare. *Id.,* at 627–628. But such "modern developments . . . cannot change our

interpretation of the right." *Ibid.*

In any event, the Supreme Judicial Court's assumption that stun guns are unsuited for militia or military use is untenable. Section 131J allows law enforcement and correctional officers to carry stun guns and Tasers, presumably for such purposes as nonlethal crowd control. Subduing members of a mob is little different from "suppress[ing] Insurrections," a traditional role of the militia. U. S. Const., Art. I, §8, cl. 15; see also *ibid.* (militia may be called forth "to execute the Laws of the Union"). Additionally, several branches of the U. S. armed services equip troops with electrical stun weapons to "incapacitate a target without permanent injury or known side effects." U. S. Army, Project Manager Close Combat Systems, PD Combat Munitions: Launched Electrode Stun Device (LESD), http://www.pica.army.mil/pmccs/combatmunitions/nonlethalsys/taserx26e.html (all Internet materials as last visited Mar. 18, 2016); see U. S. Marine Corps Administrative Message 560/08 (Oct. 2, 2008) (Marine Corps guidance for use of Tasers), http://www.marines.mil/News/Messages/MessagesDisplay/tabid/13286/Article/113024/marine-corps-training-and-use-of-human-electro-muscular-incapacitation-hemi-dev.aspx; Joint Non-Lethal Weapons Directorate, Non-Lethal Weapons (NLW) Reference Book 3 (2012) (Department of Defense report stating that "[m]ultiple Services employ" Tasers), http://dtic.mil/dtic/tr/fulltext/u2/a565971.pdf.

C

As the foregoing makes clear, the pertinent Second Amendment inquiry is whether stun guns are commonly possessed by law-abiding citizens for lawful purposes *today*. The Supreme Judicial Court offered only a cursory discussion of that question, noting that the "'number of Tasers and stun guns is dwarfed by the number of firearms.'" 470 Mass., at 781, 26 N. E. 3d, at 693. This ob-

servation may be true, but it is beside the point. Otherwise, a State would be free to ban *all* weapons *except* handguns, because "handguns are the most popular weapon chosen by Americans for self-defense in the home." *Heller*, *supra*, at 629.

The more relevant statistic is that "[h]undreds of thousands of Tasers and stun guns have been sold to private citizens," who it appears may lawfully possess them in 45 States. *People* v. *Yanna*, 297 Mich. App. 137, 144, 824 N. W. 2d 241, 245 (2012) (holding Michigan stun gun ban unconstitutional); see Volokh, Nonlethal Self-Defense, (Almost Entirely) Nonlethal Weapons, and the Rights To Keep and Bear Arms and Defend Life, 62 Stan. L. Rev. 199, 244 (2009) (citing stun gun bans in seven States); Wis. Stat. §941.295 (Supp. 2015) (amended Wisconsin law permitting stun gun possession); see also Brief in Opposition 11 (acknowledging that "approximately 200,000 civilians owned stun guns" as of 2009). While less popular than handguns, stun guns are widely owned and accepted as a legitimate means of self-defense across the country. Massachusetts' categorical ban of such weapons therefore violates the Second Amendment.

III

The lower court's ill treatment of *Heller* cannot stand. The reasoning of the Massachusetts court poses a grave threat to the fundamental right of self-defense. The Supreme Judicial Court suggested that Caetano could have simply gotten a firearm to defend herself. 470 Mass., at 783, 26 N. E. 3d, at 695. But the right to bear other weapons is "no answer" to a ban on the possession of protected arms. *Heller*, 554 U. S., at 629. Moreover, a weapon is an effective means of self-defense only if one is prepared to use it, and it is presumptuous to tell Caetano she should have been ready to shoot the father of her two young children if she wanted to protect herself. Courts should

not be in the business of demanding that citizens use *more* force for self-defense than they are comfortable wielding.[6]

Countless people may have reservations about using deadly force, whether for moral, religious, or emotional reasons—or simply out of fear of killing the wrong person. See Brief for Arming Women Against Rape & Endangerment as *Amicus Curiae* 4–5. "Self-defense," however, "is a basic right." *McDonald*, 561 U. S., at 767. I am not prepared to say that a State may force an individual to choose between exercising that right and following her conscience, at least where both can be accommodated by a weapon already in widespread use across the Nation.

* * *

A State's most basic responsibility is to keep its people safe. The Commonwealth of Massachusetts was either unable or unwilling to do what was necessary to protect Jaime Caetano, so she was forced to protect herself. To make matters worse, the Commonwealth chose to deploy its prosecutorial resources to prosecute and convict her of a criminal offense for arming herself with a nonlethal weapon that may well have saved her life. The Supreme Judicial Court then affirmed her conviction on the flimsiest of grounds. This Court's grudging *per curiam* now sends the case back to that same court. And the consequences for Caetano may prove more tragic still, as her conviction likely bars her from ever bearing arms for self-defense. See Pet. for Cert. 14.

If the fundamental right of self-defense does not protect Caetano, then the safety of all Americans is left to the mercy of state authorities who may be more concerned about disarming the people than about keeping them safe.

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[6]The court below also noted that Massachusetts no longer requires a license to possess mace or pepper spray. 470 Mass., at 783, 26 N. E. 3d, at 695. But the law was changed in 2014, after Caetano was convicted. A spray can also be foiled by a stiff breeze, while a stun gun cannot.

SUPREME COURT OF THE UNITED STATES

STATE OF MONTANA *v.* STATE OF WYOMING AND STATE OF NORTH DAKOTA

ON BILL OF COMPLAINT

No. 137, Orig. Decided March 21, 2016

ORDER AND JUDGMENT

The Court having exercised original jurisdiction over this controversy among sovereign States; the issues having been tried before the Special Master appointed by this Court; the Court having considered the briefs on the parties' exceptions to the Second Interim Report of the Special Master; IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Wyoming's Motion for Partial Summary Judgment on the notice requirement for damages is granted for the years 1982, 1985, 1992, 1994, and 1998.

2. Wyoming also is not liable to Montana for the years 1981, 1987, 1988, 1989, 2000, 2001, 2002, and 2003.

3. Wyoming is liable to Montana for reducing the volume of water available in the Tongue River at the Stateline between Wyoming and Montana by 1,300 acre-feet in 2004.

4. Wyoming is liable to Montana for reducing the volume of water available in the Tongue River at the Stateline between Wyoming and Montana by 56 acre-feet in 2006.

5. The case is remanded to the Special Master for determination of damages and other appropriate relief.

SUPREME COURT OF THE UNITED STATES

NEBRASKA, ET AL. *v.* COLORADO

ON MOTION FOR LEAVE TO FILE A BILL OF COMPLIANT

No. 144, Orig. Decided March 21, 2016

The motion for leave to file a bill of complaint is denied.

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting from the denial of motion for leave to file complaint.

Federal law does not, on its face, give this Court discretion to decline to decide cases within its original jurisdiction. Yet the Court has long exercised such discretion, and does so again today in denying, without explanation, Nebraska and Oklahoma's motion for leave to file a complaint against Colorado. I would not dispose of the complaint so hastily. Because our discretionary approach to exercising our original jurisdiction is questionable, and because the plaintiff States have made a reasonable case that this dispute falls within our original and exclusive jurisdiction, I would grant the plaintiff States leave to file their complaint.

I

The Constitution provides that "[i]n all Cases . . . in which a State shall be [a] Party, the supreme Court shall have original Jurisdiction." Art. III, §2, cl. 2. In accordance with Article III, Congress has long provided by statute that this Court "shall have original and exclusive jurisdiction of all controversies between two or more States." 28 U. S. C. §1251(a).

Federal law is unambiguous: If there is a controversy between two States, this Court—and only this Court—has jurisdiction over it. Nothing in §1251(a) suggests that the Court can opt to decline jurisdiction over such a contro-

versy. Context confirms that §1251(a) confers no such discretion. When Congress has chosen to give this Court discretion over its merits docket, it has done so clearly. Compare §1251(a) (the Court "shall have" jurisdiction over controversies between States) with §1254(1) (cases in the courts of appeals "may be reviewed" by this Court by writ of certiorari) and §1257(a) (final judgments of state courts "may be reviewed" by this Court by writ of certiorari).

The Court's lack of discretion is confirmed by the fact that, unlike other matters within our original jurisdiction, our jurisdiction over controversies between States is exclusive. Compare §1251(a) with §1251(b) (the Court "shall have original but not exclusive jurisdiction" of other cases over which Article III gives this Court original jurisdiction). If this Court does not exercise jurisdiction over a controversy between two States, then the complaining State has no judicial forum in which to seek relief. When presented with such a controversy, "[w]e have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Cohens* v. *Virginia*, 6 Wheat. 264, 404 (1821) (Marshall, C. J.).

Nonetheless, the Court has exercised discretion and declined to hear cases that fall within the terms of its original jurisdiction. See, *e.g., United States* v. *Nevada*, 412 U. S. 534, 537–540 (1973) (*per curiam*) (controversy between United States and individual States); *Ohio* v. *Wyandotte Chemicals Corp.*, 401 U. S. 493, 500–505 (1971) (action by a State against citizens of other States). The Court has even exercised this discretion to decline cases where, as here, the dispute is between two States and thus falls within our *exclusive* jurisdiction. See, *e.g., Arizona* v. *New Mexico*, 425 U. S. 794, 796–798 (1976) (*per curiam*). The Court has concluded that its original jurisdiction is "obligatory only in appropriate cases" and has favored a "sparing use" of that jurisdiction. *Illinois* v. *Milwaukee*, 406 U. S. 91, 93–94 (1972). The Court's reasons for trans-

forming its mandatory, original jurisdiction into discretionary jurisdiction have been rooted in policy considerations. The Court has, for example, cited its purported lack of "special competence in dealing with" many interstate disputes and emphasized its modern role "as an appellate tribunal." *Wyandotte Chemicals Corp.*, 401 U. S., at 498; see *id.,* at 497–499.

I have previously applied the Court's precedents taking this discretionary approach to our original jurisdiction. See *Wyoming* v. *Oklahoma*, 502 U. S. 437, 474–475, n. (1992) (dissenting opinion) (acknowledging precedents, noting that they "have not been challenged here," and arguing against exercising jurisdiction). I have also acknowledged that "sound reasons" support that approach. *Id.,* at 475.

Because our discretionary approach appears to be at odds with the statutory text, it bears reconsideration. Moreover, the "reasons" we have given to support the discretionary approach are policy judgments that are in conflict with the policy choices that Congress made in the statutory text specifying the Court's original jurisdiction.

II

This case involves a suit brought by two States against another State, and thus presents an opportunity for us to reevaluate our discretionary approach to our original jurisdiction.

Federal law generally prohibits the manufacture, distribution, dispensing, and possession of marijuana. See Controlled Substances Act (CSA), 84 Stat. 1242, as amended, 21 U. S. C. §§812(c), Schedule I(c)(10), 841–846 (2012 ed. and Supp. II). Emphasizing the breadth of the CSA, this Court has stated that the statute establishes "a comprehensive regime to combat the international and interstate traffic in illicit drugs." *Gonzales* v. *Raich*, 545 U. S. 1, 12 (2005). Despite the CSA's broad prohibitions,

in 2012 the State of Colorado adopted Amendment 64, which amends the State Constitution to legalize, regulate, and facilitate the recreational use of marijuana. See Colo. Const., Art. XVIII, §16. Amendment 64 exempts from Colorado's criminal prohibitions certain uses of marijuana. §§16(3)(a), (c), (d); see Colo. Rev. Stat. §18–18–433 (2015). Amendment 64 directs the Colorado Department of Revenue to promulgate licensing procedures for marijuana establishments. Art. XVIII, §16(5)(a). And the amendment requires the Colorado General Assembly to enact an excise tax for sales of marijuana from cultivation facilities to manufacturing facilities and retail stores. §16(5)(d).

In December 2014, Nebraska and Oklahoma filed in this Court a motion seeking leave to file a complaint against Colorado. The plaintiff States—which share borders with Colorado—allege that Amendment 64 affirmatively facilitates the violation and frustration of federal drug laws. See Complaint ¶¶54–65. They claim that Amendment 64 has "increased trafficking and transportation of Colorado-sourced marijuana" into their territories, requiring them to expend significant "law enforcement, judicial system, and penal system resources" to combat the increased trafficking and transportation of marijuana. *Id.*, ¶58; Brief [for Nebraska and Oklahoma] in Support of Motion for Leave to File Complaint 11–16. The plaintiff States seek a declaratory judgment that the CSA pre-empts certain of Amendment 64's licensing, regulation, and taxation provisions and an injunction barring their implementation. Complaint 28–29.

The complaint, on its face, presents a "controvers[y] between two or more States" that this Court alone has authority to adjudicate. 28 U. S. C. §1251(a). The plaintiff States have alleged significant harms to their sovereign interests caused by another State. Whatever the merit of the plaintiff States' claims, we should let this complaint proceed further rather than denying leave

without so much as a word of explanation.

* * *

I respectfully dissent from the denial of the motion for leave to file a complaint.