

OT10 Case List

Cases are sorted by sitting. 5-4 decisions are highlighted in red.

I. October

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|---------------|---------------------------------|--------------|---------------|----------------|-------------|---------------|---|
| 09-479 | Abbott v. United States | CA3 | Oct 4, 2010 | Nov 15, 2010 | 8-0 | Ginsburg | Affirmed; A defendant is subject to the highest mandatory minimum specified for his conduct in 18 U.S.C. § 924(c) unless another provision of law directed to conduct proscribed by Section 924(c) specifically imposes an even greater mandatory minimum sentence. (Kagan, J., recused). |
| 09-907 | Ransom v. FIA Card Services | CA9 | Oct 4, 2010 | Jan 11, 2011 | 8-1 | Kagan | Affirmed; A debtor in bankruptcy who does not make loan or lease payments may not take the deduction that is otherwise available for ownership of an auto. |
| 09-350 | Los Angeles County v. Humphries | CA9 | Oct 5, 2010 | Nov 30, 2010 | 8-0 | Breyer | Reversed; Under the Supreme Court's decision in <i>Monell v. New York City Dep't of Social Services</i> (1978), a plaintiff who sues a local government for civil rights violations under federal law must show that his injury was the result of a policy or custom of the local government to obtain an injunction or a declaratory judgment. (Kagan, J., recused). |
| 09-150 | Michigan v. Bryant | State | Oct 5, 2010 | Feb 28, 2011 | 6-2 | Sotomayor | Reversed; A statement given to police by a wounded crime victim identifying the person who shot him may be admitted as evidence at the trial if the victim dies before trial and thus does not appear. Because the primary purpose of the interrogation was to enable police to deal with an ongoing emergency, the statements resulting from that interrogation were not testimonial and could be admitted without violating the Confrontation Clause. (Kagan, J., recused). |
| 09-530 | NASA v. Nelson | CA9 | Oct 5, 2010 | Jan 19, 2011 | 8-0 | Alito | Reversed; The Court upheld NASA's background checks for employees of companies working under contract. (Kagan, J., recused). |

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|--------|---|-----|--------------|--------------|-----|---------|--|
| 09-751 | Snyder v. Phelps | CA4 | Oct 6, 2010 | Mar 2, 2011 | 8-1 | Roberts | Affirmed; The First Amendment protects those who stage a peaceful protest on a matter of public concern near the funeral of a military service member from tort liability. |
| 09-571 | Connick v. Thompson | CA5 | Oct 6, 2010 | Mar 29, 2011 | 5-4 | Thomas | Reversed; A district attorney's office cannot be held liable under Section 1983 for a failure to train its prosecutors based on a single Brady violation. |
| 09-587 | Harrington v. Richter | CA9 | Oct 12, 2010 | Jan 19, 2011 | 8-0 | Kennedy | Reversed; The defense lawyer was not deficient in failing to consult blood evidence when planning strategy for trial. (Kagan, J., recused). |
| 09-152 | Bruesewitz v. Wyeth | CA3 | Oct 12, 2010 | Feb 22, 2011 | 6-2 | Scalia | Affirmed; The National Childhood Vaccine Injury Act, which created a no-fault program to provide compensation for vaccine-related injuries, preempts all design-defect claims against vaccine manufacturers by individuals seeking compensation for injury or death. (Kagan, J., recused). |
| 09-658 | Premo v. Moore | CA9 | Oct 12, 2010 | Jan 19, 2011 | 8-0 | Kennedy | Reversed; The defense counsel was not ineffective and the habeas petitioner was not in any event prejudiced by his counsel's actions. (Kagan, J., recused). |
| 09-834 | Kasten v. Saint-Gobain Performance Plastics | CA7 | Oct 13, 2010 | Mar 22, 2011 | 6-2 | Breyer | Reversed; For purposes of the anti-retaliation provision of the Fair Labor Standards Act, the term "filed any complaint" includes both oral and written complaints. (Kagan, J., recused). |

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|---------|--------------------|-----|--------------|-------------|-----|----------|---|
| 09-9000 | Skinner v. Switzer | CA5 | Oct 13, 2010 | Mar 7, 2011 | 6-3 | Ginsburg | Reversed; Federal courts have subject matter jurisdiction over civil rights lawsuits, filed under Section 1983, that seek access to DNA evidence to challenge a state conviction. |
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II. November

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|---------|--|-------|-------------|--------------|------|----------|--|
| 09-846 | United States v. Tohono O'odham Nation | CAFC | Nov 1, 2010 | Apr 26, 2011 | 7-1 | Kennedy | Reversed; Two suits making the same claim are barred from the Court of Federal Claims if they are based on substantially the same operative facts, regardless of the relief each seeks.(Kagan, J., recused). |
| 09-737 | Ortiz v. Jordan | CA6 | Nov 1, 2010 | Jan 24, 2011 | 9-0 | Ginsburg | Reversed; A party in a federal civil case may not appeal a denial of a motion for summary judgment after a district court has conducted a full trial on the merits. |
| 09-400 | Staub v. Proctor Hospital | CA7 | Nov 2, 2010 | Mar 1, 2011 | 8-0 | Scalia | Reversed; If a supervisor performs an act motivated by bias against the military that the supervisor intends to cause an adverse employment action, and if that act is the proximate cause of the ultimate employment action, then the employer can be held liable under a federal statute that prohibits employment discrimination against members of the armed services. (Kagan, J., recused). |
| 08-1448 | Brown v. Entertainment Merchants Association | CA9 | Nov 2, 2010 | Jun 27, 2011 | 7-2 | Scalia | Affirmed; California's ban on the sale or rental of violent video games to minors is unconstitutional. The Court held that the law imposes a restriction on the content of protected speech and cannot satisfy strict scrutiny. |

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|---------|---|-------|-------------|--------------|-----|-------------------|--|
| 08-1438 | Sossamon v. Texas | CA5 | Nov 2, 2010 | Apr 20, 2011 | 6-2 | Thomas | Affirmed; When they accept federal funding, states do not consent to waive their sovereign immunity to private lawsuits for money damages under the Religious Land Use and Institutionalized Persons Act. (Kagan, J., recused). |
| 09-987 | Arizona Christian School Tuition Organization v. Winn | CA9 | Nov 3, 2010 | Apr 4, 2011 | 5-4 | Kennedy | Reversed; The challengers to an Arizona tax credit which provides tax credits for contributions to tuition organizations, which then use the contributions to provide scholarships for, among others, religious schools, lack standing under Article III because they are challenging a tax credit, rather than government spending. |
| 08-1314 | Williamson v. Mazda Motor of America, Inc. | State | Nov 3, 2010 | Feb 23, 2011 | 8-0 | Breyer | Reversed; State tort suits alleging that car manufacturers should have installed lap-and-shoulder belts, rather than simply lap belts, on rear inner seats are not preempted by federal auto safety standards. (Kagan, J., recused). |
| 08-1423 | Costco Wholesale Corp. v. Omega, S.A. | CA9 | Nov 8, 2010 | Dec 13, 2010 | 4-4 | <i>Per Curiam</i> | Affirmed; An equally divided Court affirmed the Ninth Circuit's holding that the "first sale" doctrine applies only to copyrighted items that are made and distributed in the United States. (Kagan, J. recused). |
| 09-837 | Mayo Foundation v. United States | CA8 | Nov 8, 2010 | Jan 11, 2011 | 8-0 | Roberts | Affirmed; The Treasury Department's rule that treats medical residents as full-time employees, and therefore not exempt from the payment of payroll taxes, is a valid interpretation of federal law. (Kagan, J., recused). |
| 09-893 | AT&T Mobility LLC v. Concepcion | CA9 | Nov 9, 2010 | Apr 27, 2011 | 5-4 | Scalia | Reversed; California state contract law, which deems class-action waivers in arbitration agreements unenforceable when certain criteria are met, is preempted by the Federal Arbitration Act because it stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. |

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| 09-1088 | Cullen v. Pinholster | CA9 | Nov 9, 2010 | Apr 4, 2011 | 7-2 | Thomas | Reversed; Review under the federal habeas law is limited to the record that was before the state court which ruled on the claim on the merits. Moreover, on the record that was before the state court, Pinholster was not entitled to federal habeas relief. |
| 09-5801 | Flores-Villar v. United States | CA9 | Nov 10, 2010 | Jun 13, 2011 | 4-4 | <i>Per Curiam</i> | Affirmed; An equally divided Court affirmed the decision of the Ninth Circuit upholding, against a constitutional challenge, a citizenship-transmission statute that imposes different standards for children born out of wedlock outside of the United States depending on whether the child's mother or father is a U.S. citizen. (Kagan, J., recused). |
| 09-520 | CSX Transportation, Inc. v. Alabama Department of Revenue | CA11 | Nov 10, 2010 | Feb 22, 2011 | 7-2 | Kagan | Reversed; The railroad can challenge Alabama's sales and use taxes, which are imposed on railroads but not their main competitors, as discriminatory under the Railroad Revitalization and Regulatory Reform Act of 1976. |

III. December

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|--------|------------------|-------|--------------|--------------|------|----------|--|
| 09-868 | Wall v. Kholi | CA1 | Nov 29, 2010 | Mar 7, 2011 | 9-0 | Alito | Affirmed; Because the phrase "collateral review" in AEDPA means judicial review of a judgment in a proceeding that is not part of direct review, state proceedings on an inmate's motion to reduce his sentence tolled the time to file his federal habeas petition. |
| 09-996 | Walker v. Martin | CA9 | Nov 29, 2010 | Feb 23, 2011 | 9-0 | Ginsburg | Reversed; A California rule requiring state habeas petitions to be filed "as promptly as the circumstances allow" constitutes an independent state ground that is adequate to bar habeas relief in federal court. |

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|---------|---|----------------------------------|--------------|--------------|-----|-----------|---|
| 09-1233 | Brown v. Plata | Three-Judge District Court Panel | Nov 30, 2010 | May 23, 2011 | 5-4 | Kennedy | Affirmed; 1)The court below did not err in concluding that overcrowding in California prisons was the “primary” cause of the continuing violations of prisoners’ constitutional rights to adequate health care. 2) The evidence supported the conclusion of the three-judge panel that a population limit was necessary to remedy the overcrowding problem. 3) The relief ordered – the population limit – was narrowly drawn, extended no further than necessary to correct the violation, and was the least intrusive means necessary to correct the violation. |
| 09-804 | CIGNA Corp. v. Amara | CA2 | Nov 30, 2010 | May 16, 2011 | 8-0 | Breyer | Reversed; Although the district court did not have authority under Section 502(a)(1)(B) of ERISA to reform CIGNA’s pension plan, it did have authority to do so under another provision, Section 502(a)(3). (Sotomayor, J., recused). |
| 09-529 | Virginia Office for Protection and Advocacy v. Reinhard | CA4 | Dec 1, 2010 | Apr 19, 2011 | 6-2 | Scalia | Reversed; Ex Parte Young allows a federal court to hear a lawsuit for prospective relief against state officials brought by another agency of the same state. (Kagan, J., recused). |
| 09-1163 | Milner v. Navy | CA9 | Dec 1, 2010 | Mar 7, 2011 | 8-1 | Kagan | Reversed; Maps describing the location of explosives do not qualify for withholding under Exemption 2 of the Freedom of Information Act, which shields from disclosure only records that relate to employee relations and human resources issues. |
| 09-1036 | Henderson v. Shinseki | CAFC | Dec 6, 2010 | Mar 1, 2011 | 8-0 | Alito | Reversed; The deadline for filing a notice of appeal with the Veterans Court does not have jurisdictional consequences, and Congress did not require the 120-day deadline to be treated as jurisdictional. (Kagan, J., recused). |
| 09-6822 | Pepper v. United States | CA8 | Dec 6, 2010 | Mar 2, 2011 | 7-1 | Sotomayor | Reversed; When a defendant's sentence has been set aside on appeal, a district court at re-sentencing may consider evidence of the defendant's rehabilitation after the initial sentences and that evidence may in appropriate cases, support a downward variance from the sentencing guidelines. (Kagan, J., recused). |

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|--------|---|-----|-------------|--------------|-----|-----------|---|
| 09-525 | Janus Capital Group, Inc. v. First Derivative Traders | CA4 | Dec 7, 2010 | Jun 13, 2011 | 5-4 | Thomas | Reversed; Because the mutual fund investment adviser did not make the false statements included in the mutual fund prospectuses, it cannot be held liable in a private action under Rule 10b-5. |
| 09-291 | Thompson v. North American Stainless, LP | CA6 | Dec 7, 2010 | Jan 24, 2011 | 8-0 | Scalia | Reversed; Title VII's ban on workplace retaliation against an employee who challenges discrimination also protects a co-worker who is a relative or close associate of the targeted employee. (Kagan, J., recused.) |
| 09-329 | Chase Bank USA, N.A. v. McCoy | CA9 | Dec 8, 2010 | Jan 24, 2011 | 9-0 | Sotomayor | Reversed; The Federal Reserve Board's Regulation Z, in the version that existed before August 2009, did not require credit card issuers to give cardholders advance notice any time they raise the interest rate for default. |
| 09-115 | Chamber of Commerce v. Whiting | CA9 | Dec 8, 2010 | May 26, 2011 | 5-3 | Roberts | Affirmed; The provision of the Legal Arizona Workers Act that provides for the suspension and/or revocation of the business licenses of Arizona employers who knowingly or intentionally employ unauthorized aliens is not expressly preempted by the federal Immigration Reform and Control Act, which prohibits the knowing hiring of unauthorized immigrants and preempts state laws imposing sanctions on those who hire unauthorized immigrants; the Arizona law falls within the IRCA's exception that preserves state authority to impose sanctions through "licensing and similar laws." Nor is Arizona's requirement that employers use the federal "E-Verify" system to confirm eligibility for employment not impliedly preempted, as it does not conflict with the federal scheme, and the federal statute establishing E-Verify does not constrain state action. (Kagan, J., recused). |

IV. January

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|---------|---|-------|--------------|--------------|------|-----------|---|
| 09-1156 | Matrixx Initiatives, Inc. v. Siracusano | CA9 | Jan 10, 2011 | Mar 22, 2011 | 9-0 | Sotomayor | Affirmed; The plaintiffs have stated a claim for securities fraud under § 10 (b) of the Securities and Exchange Act and SEC Rule 10b-5 based on a pharmaceutical company's failure to disclose reports of adverse events associated with a product, even if the reports do not disclose a statistically significant number of adverse events. |

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| Orig137 | Montana v. Wyoming and North Dakota | Orig | Jan 10, 2011 | May 2, 2011 | 7-1 | Thomas | Original; Montana has failed to state a claim for breach of the Yellowstone River Compact. Wyoming's more efficient irrigation systems are permissible under the Compact as long as the water conserved by those systems is used to irrigate the same acreage watered in 1950. (Kagan, J., recused). |
| 10-76 | Goodyear Luxembourg Tires v. Brown | State | Jan 11, 2011 | Jun 27, 2011 | 9-0 | Ginsburg | Reversed; Goodyear's foreign subsidiaries were not amenable to suit in North Carolina on claims that were unrelated to any activity by them in that state. |
| 09-1343 | J. McIntyre Machinery, Ltd. v. Nicastro, et ux. | State | Jan 11, 2011 | Jun 27, 2011 | 6-3 | Kennedy | Reversed; Because J. McIntyre had not engaged in any activities in New Jersey reflecting an intent to invoke or benefit from the protection of that state's laws, New Jersey lacked the power to adjudicate the company's rights and liabilities, and its exercise of jurisdiction would violate due process. |
| 09-1272 | Kentucky v. King | State | Jan 12, 2011 | May 16, 2011 | 8-1 | Alito | Reversed; The exigent circumstances rule applies when the police do not create the exigency by engaging in or threatening to engage in conduct that violates the Fourth Amendment. |
| 09-11311 | Sykes v. United States | CA7 | Jan 12, 2011 | Jun 9, 2011 | 6-3 | Kennedy | Affirmed; Using a vehicle while knowingly or intentionally fleeing from a law enforcement officer after being ordered to stop constitutes a "violent felony," as proscribed by Indiana law, for purposes of the Armed Career Criminal Act, 18 U.S.C. § 924(e). |
| 09-1298 | General Dynamics Corporation v. United States | CAFC | Jan 18, 2011 | May 23, 2011 | 9-0 | Scalia | Reversed; When a court dismisses a contractor's prima facie valid affirmative defense to the government's allegations of breach of contract to protect state secrets, a proper remedy is to leave the parties where they were on the day they filed suit. |

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| 09-1205 | Smith v. Bayer Corp | CA8 | Jan 18, 2011 | Jun 16, 2011 | 9-0 | Kagan | Reversed; A federal district court exceeded its authority under the “re-litigation exception” to the Anti-Injunction Act when it enjoined a state court from considering a request for class certification; the district court’s denial of a similar class-certification request by a different plaintiff did not preclude other plaintiffs from proceeding in state court when it is unclear whether the certification issues in the same court were the same and the state plaintiffs were neither a party to the federal suit nor covered by any exceptions to the rule against nonparty preclusion. |
| 10-179 | Stern v. Marshall | CA9 | Jan 18, 2011 | Jun 23, 2011 | 5-4 | Roberts | Affirmed; The bankruptcy court had the statutory authority to issue a final and binding decision on a claim based exclusively on a right assured by state law. However, the bankruptcy court nonetheless lacked the constitutional authority to do so. |
| 09-1273 | Astra USA, Inc. v. Santa Clara County | CA9 | Jan 19, 2011 | Mar 29, 2011 | 8-0 | Ginsburg | Reversed; Public hospitals and community health centers may not bring lawsuits against drug manufacturers alleging that they have been overcharged for the drugs purchased from the manufacturers pursuant to a federal program. (Kagan, J., recused). |
| 09-1279 | Federal Communications Comm’n v. AT&T Inc. | CA3 | Jan 19, 2011 | Mar 1, 2011 | 8-0 | Roberts | Reversed; Corporations do not have a right of personal privacy for purposes of Exemption 7(C) of the Freedom of Information Act, which protects from disclosure law enforcement records whose disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” (Kagan, J., recused). |

V. February

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|---------|------------------------------|-------|--------------|--------------|------|--------|---|
| 09-1498 | United States v. Tinklenberg | CA6 | Feb 22, 2011 | May 26, 2011 | 8-0 | Breyer | Affirmed; For purposes of the Speedy Trial Act, which excludes “delay resulting from any pretrial motion” from the Act’s requirement that a trial begin within seventy days of the arraignment, there is no requirement that the filing of a pretrial motion actually cause, or be expected to cause, a delay of the trial. Instead, the Speedy Trial clock stops running whenever a pretrial motion is filed, regardless whether the motion has any effect on when the trial begins. (Kagan, J., recused). |

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| 09-1227 | Bond v. United States | CA3 | Feb 22, 2011 | Jun 16, 2011 | 9-0 | Kennedy | Reversed; A criminal defendant who is indicted on charges that she violated a federal statute has standing to challenge the validity of the statute on the ground that it infringes on the powers reserved to the states under the Tenth Amendment. |
| 09-10245 | Freeman v. United States | CA6 | Feb 23, 2011 | Jun 23, 2011 | 5-4 | Kennedy | Reversed; When, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), a defendant enters into a plea agreement that recommends a particular sentence as a condition of a guilty plea, he may be eligible for a sentence reduction if the U.S. Sentencing Commission later lowers the sentencing range. |
| 10-6 | Global-Tech Appliances v. SEB S.A. | CAFC | Feb 23, 2011 | May 31, 2011 | 8-1 | Alito | Affirmed; (1) Induced infringement under 35 U.S.C. § 271(b) requires knowledge that the induced acts constitute patent infringement; and (2) deliberate indifference to a known risk that a patent exists does not satisfy the knowledge required by Section 271(b). |
| 09-1533 | DePierre v. United States | CA1 | Feb 28, 2011 | Jun 9, 2011 | 9-0 | Sotomayor | Affirmed; For purposes of a statute establishing mandatory minimum sentences for certain offenses involving “cocaine base,” the term “cocaine base” includes all cocaine in its chemically basic form, not just crack cocaine. |
| 09-1159 | Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, Inc. | CAFC | Feb 28, 2011 | Jun 6, 2011 | 7-2 | Roberts | Affirmed; The Bayh-Dole Act does not automatically vest title to federally funded inventions in federal contractors or authorize contractors to unilaterally take title to such inventions. |
| 10-188 | Schindler Elevator Corporation v. United States ex rel. Kirk | CA2 | Mar 1, 2011 | May 16, 2011 | 5-3 | Thomas | Reversed; A federal agency’s written response to a FOIA request for records is a “report” within the meaning of the disclosure bar of the False Claims Act. (Kagan, J., recused). |

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| 09-1454 | Camreta v. Greene | CA9 | Mar 1, 2011 | May 26, 2011 | 7-2 | Kagan | Reversed; Although the Court may generally review a lower court's constitutional ruling at the behest of governmental officials who won a final judgment on constitutional grounds, here the case is moot because the respondent (the plaintiff below) no longer has a stake in preserving the court's holding because she no longer needs protection from the practice at issue. |
| 09-10876 | Bullcoming v. New Mexico | State | Mar 2, 2011 | Jun 23, 2011 | 5-4 | Ginsburg | Reversed; The Confrontation Clause does not permit the prosecution to introduce a forensic lab report containing a testimonial certification through the in-court testimony of an analyst who did not sign the document or personally observe the test. If an out-of-court statement is testimonial, it may not be introduced against the accused at trial unless the witness who made the statement is unavailable and the accused has had a prior opportunity to confront that witness. |
| 10-98 | Ashcroft v. al-Kidd | CA9 | Mar 2, 2011 | May 31, 2011 | 8-0 | Scalia | Reversed; (1) The objectively reasonable arrest and detention of a material witness pursuant to a validly obtained warrant cannot be challenged as unconstitutional on the ground that the arresting authority allegedly had an improper motive; and (2) because former Attorney General Ashcroft did not violate clearly established law, he is entitled to qualified immunity. (Kagan, J., recused). |

VI. March

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|----------|------------------------|-------|--------------|--------------|------|-------------------|---|
| 09-11328 | Davis v. United States | CA11 | Mar 21, 2011 | Jun 16, 2011 | 7-2 | Alito | Affirmed; Searches conducted in objectively reasonable reliance on binding decisions of the courts of appeals are not subject to the exclusionary rule. |
| 09-11556 | Tolentino v. New York | State | Mar 21, 2011 | Mar 29, 2011 | | <i>Per Curiam</i> | Dismissed; The Court dismissed the writ of certiorari as improvidently granted and therefore did not decide whether pre-existing identity-related governmental documents are subject to the exclusionary rule when they are obtained as the direct result of police action violative of the Fourth Amendment. |

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| 09-1476 | Duryea v. Guarnieri | CA3 | Mar 22, 2011 | Jun 20, 2011 | 8-1 | Kennedy | Reversed; A government employer's allegedly retaliatory actions against an employee do not give rise to liability under the First Amendment's Petition Clause unless the employee's petition relates to a matter of public concern. |
| 10-114 | Fox v. Vice | CA5 | Mar 22, 2011 | Jun 6, 2011 | 9-0 | Kagan | Reversed; When there are both frivolous and non-frivolous claims in a plaintiff's civil rights suit, a court may grant reasonable attorney's fees to the defendant, but only for costs that the defendant would not have incurred but for the frivolous claims. |
| 09-11121 | J.D.B. v. North Carolina | State | Mar 23, 2011 | Jun 16, 2011 | 5-4 | Sotomayor | Reversed; A child's age is a relevant factor to consider in determining whether the child is "in custody" for purposes of <i>Miranda v. Arizona</i> . |
| 10-10 | Turner v. Rogers | State | Mar 23, 2011 | Jun 20, 2011 | 5-4 | Breyer | Reversed; Although the petitioner has already served his sentence and alleges no collateral consequences will follow from the state's action against him the case is not moot because it is "capable of repetition" while "evading review." Next, the Fourteenth Amendment's Due Process Clause does not automatically require the state to provide counsel at civil contempt proceedings to an indigent noncustodial parent who is subject to a child support order, even if that individual faces incarceration. In this case, however, the petitioner's incarceration violated due process because he received neither counsel nor the benefit of alternative procedural safeguards that would reduce the risk of an erroneous deprivation of liberty. |
| 10-235 | CSX Transportation v. McBride | CA7 | Mar 28, 2011 | Jun 23, 2011 | 5-4 | Ginsburg | Affirmed; The Federal Employers' Liability Act, which makes railroads liable for the injuries or deaths of their employees "resulting in whole or in part from negligence," does not incorporate the proximate cause standards developed in non-statutory common-law tort cases; rather, a railroad causes or contributes to an employee's injury if the railroad's negligence plays any part in bringing about the injury. |
| 10-238 | Arizona Free Enterprise v. Bennett | CA9 | Mar 28, 2011 | Jun 27, 2011 | 5-4 | Roberts | Reversed; Arizona's matching funds scheme, which provides additional funds to a publicly funded candidate when expenditures by a privately financed candidate and independent groups exceed the funding initially allotted to the publicly financed candidate, substantially burdens political speech and is not sufficiently justified by a compelling interest to survive First Amendment scrutiny. |

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| 10-5443 | Fowler v. United States | CA11 | Mar 29, 2011 | May 26, 2011 | 7-2 | Breyer | Reversed; To establish a violation of Section 1512(a)(1)(C), which makes it a crime to “kill another person, with intent . . . to prevent the communication by any person to a [federal] law enforcement officer” of “information relating to the . . . possible commission of a Federal offense,” the government must show that there was a reasonable likelihood that a relevant communication would have been made to a federal officer. |
| 10-277 | Wal-Mart v. Dukes | CA9 | Mar 29, 2011 | Jun 20, 2011 | 9-0 | Scalia | Reversed; The class was not consistent with Rule 23(a) and should not have been certified, and the respondents’ backpay claims were also improperly certified under Rule 23(b)(2). |
| 09-993 | PLIVA, Inc. v. Mensing | CA8 | Mar 30, 2011 | Jun 23, 2011 | 5-4 | Thomas | Reversed; Federal drug regulations applicable to generic drug manufacturers directly conflict with, and thus preempt, state-law tort claims alleging a failure to provide adequate warning labels. |
| 10-313 | Talk America, Inc. v. AT&T Michigan | CA6 | Mar 30, 2011 | Jun 9, 2011 | 8-0 | Thomas | Reversed; Because the FCC has advanced a reasonable interpretation of its regulations - i.e., that to satisfy its duty under Section 251(c)(2) of the Telecommunications Act of 1996, a carrier must make its existing entrance facilities available to competitors at cost-based rates if the facilities are to be used for interconnection - the Court will defer to the FCC’s views. (Kagan, J., recused). |

VII. April

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|--------|--------------------------------------|-------|--------------|-------------|------|-----------|---|
| 10-290 | Microsoft v. i4i Limited Partnership | CAFC | Apr 18, 2011 | Jun 9, 2011 | 8-0 | Sotomayor | Affirmed; Section 282 of the Patent Act requires an invalidity defense to be proved by clear and convincing evidence. (Roberts, C.J., recused). |

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|---------|--|------|--------------|--------------|-----|----------|--|
| 10-5400 | Tapia v. United States | CA9 | Apr 18, 2011 | Jun 16, 2011 | 9-0 | Kagan | Reversed; 18 U.S.C. § 3582(a) does not permit a sentencing court to impose or lengthen a prison term to foster a defendant's rehabilitation. |
| 10-174 | American Electrical Power Co. v. Connecticut | CA2 | Apr 19, 2011 | Jun 20, 2011 | 8-0 | Ginsburg | Reversed; An equally divided Court affirmed the Second Circuit's exercise of jurisdiction; four members of the Court would hold that at least some plaintiffs have standing to bring the lawsuit. The Clean Air Act and the Environmental Protection Agency's implementation of the Act displace any federal common-law right to seek abatement of carbon dioxide emissions from fossil-fuel fired power plants. (Sotomayor, J., recused). |
| 10-382 | United States v. Jicarilla Apache Nation | CAFC | Apr 20, 2011 | Jun 13, 2011 | 7-1 | Alito | Reversed; The fiduciary exception to the attorney-client privilege does not apply to the general trust relationship between the United States and the Native American tribes. (Kagan, J., recused). |
| 09-1403 | Erica P. John Fund, Inc. v. Halliburton Co. | CA5 | Apr 25, 2011 | Jun 6, 2011 | 9-0 | Roberts | Reversed; Securities fraud plaintiffs need not prove loss causation to obtain class certification. |
| 10-5258 | McNeill v. United States | CA4 | Apr 25, 2011 | Jun 6, 2011 | 9-0 | Thomas | Affirmed; A federal sentencing court must determine whether an "offense under State law" is a "serious drug offense" by consulting the "maximum term of imprisonment" applicable to a defendant's prior state drug offense at the time of the defendant's conviction for that offense, rather than looking to state law at the time of the defendant's federal sentencing. |
| 10-779 | Sorrell v. IMS Health Inc. | CA2 | Apr 26, 2011 | Jun 23, 2011 | 6-3 | Kennedy | Affirmed; Vermont's Prescription Confidentiality Law, which – absent the prescriber's consent – prohibits the sale of prescriber-identifying information, as well as the disclosure or use of that information for marketing purposes, is subject to heightened judicial scrutiny because it imposes content- and speaker-based burdens on protected expression. Vermont's justifications for the prohibition cannot withstand such heightened scrutiny. |

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| 10-568 | Nevada Commission on Ethics v. Carrigan | State | Apr 27, 2011 | Jun 13, 2011 | 9-0 | Scalia | Reversed; The Nevada Ethics in Government Law, which prohibits a legislator who has a conflict of interest from both voting on a proposal and from advocating its passage or failure, is not unconstitutionally overbroad. |
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VIII. Summary Reversals

| Docket | Case Name | Court | Argued | Decided | Vote | Author | Holding |
|---------|--------------------------------|-------|--------|--------------|------|-------------------|---|
| 10-91 | Wilson v. Corcoran | CA7 | - | Nov 8, 2010 | 9-0 | <i>Per Curiam</i> | Reversed; Federal habeas relief is available only to cure violations of a state defendant's rights under the federal law. As a result, the court of appeals erred in granting federal habeas relief to a state capital defendant simply because the federal court believed that the state courts had misapplied state law in sentencing the defendant to death. |
| 10-333 | Swarthout v. Cooke | CA9 | - | Jan 24, 2011 | 9-0 | <i>Per Curiam</i> | Reversed; Whether a federal court may grant habeas corpus relief to a state prisoner based on its view that the state court erred in applying the state-law standard of evidentiary sufficiency governing state parole decisions. |
| 10-797 | Felkner v. Jackson | CA9 | - | Mar 21, 2011 | 9-0 | <i>Per Curiam</i> | Reversed; The Ninth Circuit had no basis to award habeas relief to a state inmate alleging that prosecutors had peremptorily struck jurors at his trial on the basis of race. |
| 10-1000 | Bobby v. Mitts | CA6 | - | May 2, 2011 | 9-0 | <i>Per Curiam</i> | Reversed; The jury instructions given at the penalty phase of Mitts's murder trial are not contrary to clearly established law for purposes of the Antiterrorism and Effective Death Penalty Act. |
| 09-940 | United States v. Juvenile Male | CA9 | - | Jun 27, 2011 | 5-3 | <i>Per Curiam</i> | Reversed; The Ninth Circuit lacked authority to hold that the requirements of the Sex Offender Registration and Notification Act (SORNA) violate the Constitution's Ex Post Facto Clause when applied to a juvenile who was adjudicated delinquent under the Federal Juvenile Delinquency Act before SORNA's enactment. At the time of the Ninth Circuit's decision, respondent's challenge was moot because the district court's order of juvenile supervision had expired, and respondent was no longer subject to the sex-offender-registration provisions that he challenged on appeal. |