

## OT11 Case List

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

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
<b><i>I. October (12)</i></b>							
09-958	Douglas v. Independent Living Center	CA9	Oct 3, 2011	Feb 22, 2012	5-4	Breyer	Vacated and remanded; The parties will argue before the Ninth Circuit in the first instance whether the respondents may maintain Supremacy Clause actions in light of the approval by the Centers for Medicare & Medicaid Services of the challenged California statutes that reduce the amount of Medicaid reimbursement.
10-6549	Reynolds v. United States	CA3	Oct 3, 2011	Jan 23, 2012	7-2	Breyer	Reversed and remanded; The Sex Offender Registration and Notification Act does not require pre-Act offenders to register before the Attorney General validly specifies that the Act's registration provisions apply to them.
10-680	Howes v. Fields	CA6	Oct 4, 2011	Feb 21, 2012	9-0	Alito	Reversed; The Sixth Circuit's categorical rule – that an interrogation is per se custodial, for purposes of Miranda v. Arizona, when a prisoner is questioned in private about events occurring outside the prison – is not clearly established by Supreme Court precedent. And by a vote of six to three, the Court held that the Sixth Circuit's rule is also wrong.
10-63	Maples v. Thomas	CA11	Oct 4, 2011	Jan 18, 2012	7-2	Ginsburg	Reversed and remanded; Death row inmate Cory Maples has shown the requisite “cause” to excuse his procedural default, which occurred when his lawyer missed a filing deadline in state court.
10-1001	Martinez v. Ryan	CA9	Oct 4, 2011	Mar 20, 2012	7-2	Kennedy	Reversed and remanded; Where, under state law, ineffective-assistance-of-trial-counsel claims must be raised in an initial-review collateral proceeding, a procedural default will not bar a federal habeas court from hearing those claims if, in the initial-review collateral proceeding, there was no counsel or counsel in that proceeding was ineffective.

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10-545	Golan v. Holder	CA10	Oct 5, 2011	Jan 18, 2012	6-2	Ginsburg	Affirmed; Section 514 of the Uruguay Round Agreements Act does not exceed Congress's authority under the Copy-right Clause.
10-553	Hosanna-Tabor Evangelical Lutheran Church v. EEOC	CA6	Oct 5, 2011	Jan 11, 2012	9-0	Roberts	Reversed; The Establishment and Free Exercise Clauses of the First Amendment bar suits brought on behalf of ministers against their churches, claiming termination in violation of employment discrimination laws. Moreover, because the respondent in this case was a minister within the meaning of the ministerial exception, the First Amendment requires dismissal of her employment discrimination suit against her religious employer.
10-507	Pacific Operators Offshore v. Valladolid	CA9	Oct 11, 2011	Jan 11, 2012	9-0	Thomas	Affirmed and remanded; The Outer Continental Shelf Lands Act extends coverage for injury occurring as the result of operations conducted on the outer continental shelf to an employee who can establish a substantial nexus between his injury and his employer's extractive operations on the shelf.
10-637	Greene v. Fisher	CA3	Oct 11, 2011	Nov 8, 2011	9-0	Scalia	Affirmed; For purposes of the Antiterrorism and Effective Death Penalty Act, "clearly established federal law" is limited to the Supreme Court's decisions "as of the time of the relevant state-court adjudication on the merits."
10-948	CompuCredit v. Greenwood	CA9	Oct 11, 2011	Jan 10, 2012	8-1	Scalia	Reversed and remanded; Because the Credit Repair Organizations Act is silent on whether claims can proceed in an arbitrable forum, the Federal Arbitration Act requires the arbitration agreement to be enforced according to its terms.
10-945	Florence v. Board of Chosen Freeholders	CA3	Oct 12, 2011	Apr 2, 2012	5-4	Kennedy	Affirmed; Jail strip searches do not require reasonable suspicion, at least so long as the arrestee is being admitted into the general jail population.

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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-694	Judulang v. Holder	CA9	Oct 12, 2011	Dec 12, 2011	9-0	Kagan	Reversed and remanded; The policy used by the Board of Immigration Appeals to determine whether a resident alien is eligible to ask the Attorney General for relief from deportation under a provision of the immigration laws that has been repealed is “arbitrary and capricious” under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

***II. November (12)***

10-209	Lafler v. Cooper	CA6	Oct 31, 2011	Mar 21, 2012	5-4	Kennedy	Vacated and remanded; Where counsel’s ineffective advice led to an offer’s rejection, and where the prejudice alleged is having to stand trial, a defendant must show that but for the ineffective advice, there is a reasonable probability that the plea offer would have been presented to the court, that the court would have accepted its terms, and that the conviction or sentence, or both, under the offer’s terms would have been less severe than under the actual judgment and sentence imposed.
10-444	Missouri v. Frye	State	Oct 31, 2011	Mar 21, 2012	5-4	Kennedy	Vacated and remanded; The Sixth Amendment right to effective assistance of counsel extends to the consideration of plea offers that lapse or are rejected, and that right applies to “all ‘critical’ stages of the criminal proceedings.”
10-788	Rehberg v. Paulk	CA11	Nov 1, 2011	Apr 2, 2012	9-0	Alito	Affirmed; A witness in a grand jury proceeding is entitled to the same absolute immunity from suit under Section 1983 as a witness who testifies at trial.
10-1104	Minneeci v. Pollard	CA9	Nov 1, 2011	Jan 10, 2012	8-1	Breyer	Reversed; Because state tort law authorizes adequate alternative damages actions in this case, no Bivens remedy can be implied.

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10-8974	Perry v. New Hampshire	State	Nov 2, 2011	Jan 11, 2012	8-1	Ginsburg	Affirmed; The Due Process Clause does not require an inquiry into the reliability of an eyewitness identification when the identification was not procured under unnecessarily suggestive circumstances by law enforcement.
10-895	Gonzalez v. Thaler	CA5	Nov 2, 2011	Jan 10, 2012	8-1	Sotomayor	Affirmed; Section 2253(c)(3) is a mandatory but nonjurisdictional rule. The failure of a certificate of appealability to “indicate” a constitutional issue does not deprive a court of appeals of jurisdiction to adjudicate the appeal. Moreover, for a state prisoner who does not seek review in a state’s high-est court, the judgment becomes “final” for purposes of Section 2244(d)(1)(A) upon “expiration of the time for seeking such review.” The petitioner’s appeal in this case was therefore untimely.
10-699	Zivotofsky v. Clinton	CADC	Nov 7, 2011	Mar 26, 2012	8-1	Roberts	Vacated and remanded; The political question doctrine does not bar courts from deciding whether § 214(d) of the Foreign Relations Authorization Act, which permits U.S. citizens born in Jerusalem to request that their passports state “Israel” as their place of birth, impermissibly intrudes on the President’s powers under the Constitution.
10-577	Kawashima v. Holder	CA9	Nov 7, 2011	Feb 21, 2012	6-3	Thomas	Affirmed; Violations of 26 U.S.C. §§ 7206(1) and (2), which preclude making (or assisting in the making of) a false tax return, are crimes “involv[ing] fraud or deceit” under 8 U.S.C. § 1101(a)(43)(M)(i) and are therefore aggravated felonies for purposes of the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., when the loss to the govern-ment exceeds \$10,000.
10-8145	Smith v. Cain	State	Nov 8, 2011	Jan 10, 2012	8-1	Roberts	Reversed and remanded; The substantial Brady claims in the case require a reversal of the petitioner’s conviction.
10-1259	United States v. Jones	CADC	Nov 8, 2011	Jan 23, 2012	9-0	Scalia	Affirmed; Attaching a GPS device to a vehicle and then using the device to monitor the vehicle’s movements constitutes a search under the Fourth Amendment.

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10-879	Kurns v. Railroad Friction Products	CA3	Nov 9, 2011	Feb 29, 2012	6-3	Thomas	Affirmed; Petitioners' state-law design-defect and failure-to-warn claims fall within the field of locomotive equipment regulation pre-empted by the Locomotive Inspection Act, as that field was defined in <i>Napier v. Atlantic Coast Line R. Co.</i>
10-224	National Meat Association v. Harris	CA9	Nov 9, 2011	Jan 23, 2012	9-0	Kagan	Reversed and remanded; The Federal Meat Inspection Act expressly preempts a California law regulating the treatment of non-ambulatory pigs at federally inspected slaughterhouses.

**III. December (12)**

10-708	First American Financial v. Edwards	CA9	Nov 28, 2011	Jun 28, 2012			Dismissed; Dismissed as improvidently granted.
10-1195	Mims v. Arrow Financial Services	CA11	Nov 28, 2011	Jan 18, 2012	9-0	Ginsburg	Reversed and remanded; The Telephone Consumer Protection Act's grant of jurisdiction to state courts does not deprive the federal district courts of federal-question jurisdiction over private lawsuits seeking to enforce the Act.
10-875	Hall v. United States	CA9	Nov 29, 2011	May 14, 2012	5-4	Sotomayor	Affirmed; The federal income tax liability resulting from petitioners' post-petition farm sale is not "incurred by the estate" under §503(b) of the Bankruptcy Code and thus is neither collectible nor dischargeable in the Chapter 12 plan.

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10-1261	Credit Suisse Securities v. Simmonds	CA9	Nov 29, 2011	Mar 26, 2012	8-0	Scalia	Vacated and remanded; Normal equitable tolling principles apply to the statute of limitations for lawsuits under § 16 of the Securities Exchange Act of 1934. Section 16(a) requires corporate insiders to disclose personal transactions involving the corporation's securities.
10-7387	Setser v. United States	CA5	Nov 30, 2011	Mar 28, 2012	6-3	Scalia	Affirmed; A federal district court has the discretion to order a federal criminal sentence to run after a state criminal sentence that is anticipated but has not yet been imposed.
10-1024	Federal Aviation Administration v. Cooper	CA9	Nov 30, 2011	Mar 28, 2012	5-3	Alito	Reversed and remanded; The authorization of suits against the government for "actual damages" in the Privacy Act of 1974 is not sufficiently clear to constitute a waiver of sovereign immunity from suits for mental and emotional distress.
10-704	Messerschmidt v. Millender	CA9	Dec 5, 2011	Feb 22, 2012	7-2	Roberts	Reversed; The officers in the case are entitled to qualified immunity for executing a search warrant for firearms and evidence of gang activity in a home after a victim reported that the suspect had threatened her with a gun.
10-844	Caraco Pharmaceutical Laboratories v. Novo Nordisk A/S	CAFC	Dec 5, 2011	Apr 17, 2012	9-0	Kagan	Reversed and remanded; A generic drug manufacturer may employ the counterclaim provision of the Hatch-Waxman Act to force correction of a use code that inaccurately describes the brand's patent as covering a particular method of using a drug.
10-1265	Martel v. Clair	CA9	Dec 6, 2011	Mar 5, 2012	9-0	Kagan	Reversed and remanded; When evaluating motions to substitute counsel in capital cases under 18 U. S. C. § 3599, courts should employ the same "interests of justice" standard that applies in non-capital cases under 18 U.S.C. § 3006A. In this case, the district court did not abuse its discretion when, using the "interests of justice" standard, it denied Clair's second request for new counsel. The Ninth Circuit erred in overturning that denial.

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10-8505	Williams v. Illinois	State	Dec 6, 2011	Jun 18, 2012	5-4	Alito	Affirmed; The admission of expert testimony about the results of DNA testing performed by non-testifying analysts did not violate the Confrontation Clause.
10-1150	Mayo Collaborative Services v. Prometheus Labs	CAFC	Dec 7, 2011	Mar 20, 2012	9-0	Breyer	Reversed; The process patent that Prometheus Laboratories had obtained for correlations between blood test results and patient health is not eligible for a patent because it incorporates laws of nature.
10-218	PPL Montana v. Montana	State	Dec 7, 2011	Feb 22, 2012	9-0	Kennedy	Reversed and remanded; The Montana Supreme Court's ruling that the state of Montana owns and may charge for use of the riverbeds at issue was based on an infirm legal understanding of the Court's rules of navigability for title under the equal-footing doctrine.

### IV. January

10-1219	Kappos v. Hyatt	CAFC	Jan 9, 2012	Apr 18, 2012	9-0	Thomas	Affirmed and remanded; There are no limitations on a patent applicant's ability to introduce new evidence in a 35 U.S.C. § 145 proceeding beyond those already present in the Federal Rules of Evidence and the Federal Rules of Civil Procedure. If new evidence is presented on a disputed question of fact, the district court must make de novo factual findings that take account of both the new evidence and the administrative record before the Patent and Trademark Office.
11-713	Perry v. Perez	9th District C	Jan 9, 2012	Jan 20, 2012	9-0	<i>Per Curiam</i>	Vacated and remanded; Because it is unclear whether the U.S. District Court for the Western District of Texas followed the appropriate standards in drawing interim maps for the 2012 Texas elections, the orders implementing those maps are vacated, and the cases are remanded for further proceedings consistent with this opinion.

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10-1121	Knox v. Service Employees International Union	CA9	Jan 10, 2012	Jun 21, 2012	7-2	Alito	Reversed and remanded; The case is not moot, and the First Amendment does not permit a public-sector union to impose a special assessment without the affirmative consent of a member upon whom it is imposed.
10-1293	Federal Communications Commission v. Fox	CA2	Jan 10, 2012	Jun 21, 2012	8-0	Kennedy	Vacated and remanded; Because the FCC failed to give Fox and ABC fair notice prior to the broadcasts in question that fleeting expletives and momentary nudity could be found actionably indecent, the FCC's standards as applied to these broadcasts were vague.
10-1016	Coleman v. Court of Appeals of Maryland	CA4	Jan 11, 2012	Mar 20, 2012	5-4	Kennedy	Affirmed; Suits against the states under the self-care provision of the Family and Medical Leave Act are barred by sovereign immunity.
10-1399	Roberts v. Sea-Land Services	CA9	Jan 11, 2012	Mar 20, 2012	8-1	Sotomayor	Affirmed; An employee is "newly awarded compensation" for purposes of the Longshore and Harbor Workers' Compensation Act when he first becomes disabled and thereby becomes statutorily entitled to benefits, no matter whether, or when, a compensation order issues on his be-half.
10-1018	Filarsky v. Delia	CA9	Jan 17, 2012	Apr 17, 2012	9-0	Roberts	Reversed; A private individual temporarily retained by the government to carry out its work is entitled to seek qualified immunity from suit under 42 U. S. C. § 1983.
11-139	United States v. Home Concrete & Supply	CA4	Jan 17, 2012	Apr 25, 2012	5-4	Breyer	Affirmed; Section 6501(e)(1)(A) of the Internal Revenue Code, which extends the limitations period for the government to assess a deficiency against a taxpayer, does not apply when a taxpayer overstates the basis in property that he has sold, thereby understating the gain received from the sale.



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10-1211	Vartelas v. Holder	CA2	Jan 18, 2012	Mar 28, 2012	6-3	Ginsburg	Reversed and remanded; Because the Illegal Immigration Reform and Immigrant Responsibility Act burdens lawful activity on the basis of nothing more than past criminal activity, it was retroactive within the meaning of the Court's precedents.
10-1542	Holder v. Gutierrez	CA9	Jan 18, 2012	May 21, 2012	9-0	Kagan	Reversed and remanded; The position of the Board of Immigration Appeals that an alien seeking cancellation of removal must individually satisfy the requirements of 8 U.S.C. § 1229b(a) – lawful permanent resident status for at least five years and at least seven years of continuous residence in the United States after a lawful admission – rather than relying on a parent's years of continuous residence or lawful permanent resident status – is based on a permissible construction of the statute.
10-1472	Taniguchi v. Kan Pacific Saipan	CA9	Feb 21, 2012	May 21, 2012	6-3	Alito	Vacated and remanded; Because the ordinary meaning of “interpreter” is someone who translates orally from one language to another, the category “compensation of interpreters” in 28 U.S.C. § 1920(6), which includes that category among the costs that may be awarded to prevailing parties in federal court lawsuits, does not include the cost of document translation.

***V. February (9)***

10-1472	Taniguchi v. Kan Pacific Saipan	CA9	Feb 21, 2012	May 21, 2012	6-3	Alito	Vacated and remanded; Because the ordinary meaning of “interpreter” is someone who translates orally from one language to another, the category “compensation of interpreters” in 28 U.S.C. § 1920(6), which includes that category among the costs that may be awarded to prevailing parties in federal court lawsuits, does not include the cost of document translation.
10-1042	Freeman v. Quicken Loans	CA5	Feb 21, 2012	May 24, 2012	9-0	Scalia	Affirmed; To establish a violation of 12 U.S.C. § 2607(b) – which provides that “[n]o person shall give and no person shall accept any portion, split, or percentage of any charge made or received for the rendering of a real estate settlement service . . . other than for services actually performed” – a plaintiff must demonstrate that a charge for settlement services was divided between two or more persons.

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10-1320	Blueford v. Arkansas	State	Feb 22, 2012	May 24, 2012	6-3	Roberts	Affirmed; The Double Jeopardy Clause does not bar the state from retrying Blueford on charges of capital murder and first-degree murder after the jury in Blueford's original trial told the trial court that it had voted unanimously against those charges but was deadlocked on the manslaughter charge against him and eventually failed to reach a verdict, causing the court to declare a mistrial.
11-210	United States v. Alvarez	CA9	Feb 22, 2012	Jun 28, 2012	6-3	Kennedy	Affirmed; The Stolen Valor Act, 18 U.S.C. § 704(b), which makes it a crime to falsely represent that you have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, is facially invalid under the Free Speech Clause of the First Amendment as it is currently drafted.
10-9995	Wood v. Milyard	CA10	Feb 27, 2012	Apr 24, 2012	9-0	Ginsburg	Reversed and remanded; Courts of appeals, like district courts, have the authority – but not the obligation – to raise a forfeited timeliness defense on their own initiative in exceptional cases. Because the state in this case had deliberately waived the statute of limitations defense, the court of appeals abused its discretion when it dismissed Wood's habeas petition as untimely.
11-45	Elgin v. Department of Treasury	CA1	Feb 27, 2012	Jun 11, 2012	6-3	Thomas	Affirmed; The Civil Service Reform Act provides the exclusive avenue to judicial review when a qualifying federal employee challenges an adverse employment action by arguing that a federal statute is unconstitutional.
10-1491	Kiobel v. Royal Dutch Petroleum	CA2	Feb 28, 2012	Mar 5, 2012			Returned to the calendar for rebriefing and rearguments
11-88	Mohamad v. Palestinian Authority	CADC	Feb 28, 2012	Apr 18, 2012	9-0	Sotomayor	Affirmed; As it is used in the Torture Victim Protection Act, the term "individual" encompasses only natural persons and therefore does not impose liability on organizations.

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11-161	Armour v. Indianapolis	State	Feb 29, 2012	Jun 4, 2012	6-3	Breyer	Affirmed; Because the city had a rational basis for its distinction between homeowners who had paid their taxes in a lump sum and those who paid over time by installments, the city's refusal to provide a refund to those who paid in a lump sum did not violate the Equal Protection Clause.

### VI. March (7)

11-159	Astrue v. Capato	CA3	Mar 19, 2012	May 21, 2012	9-0	Ginsburg	Reversed and remanded; The Social Security Administration interprets the Social Security Act to allow children conceived after their father's death to qualify for Social Security survivors benefits only if they could inherit from their father under state intestacy law. That reading, the Court held, is better attuned to the statute's text and its design to benefit primarily those supported by the deceased wage earner in his or her lifetime. Moreover, even if the SSA's longstanding interpretation is not the only reasonable one, it is at least a permissible construction entitled to deference under <i>Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.</i>
11-94	Southern Union Co. v. United States	CA1	Mar 19, 2012	Jun 21, 2012	6-3	Sotomayor	Reversed and remanded; The rule established in <i>Apprendi v. New Jersey</i> – in which the Court held that the Sixth Amendment's jury-trial guarantee requires that any fact (other than the fact of a prior conviction) which increases the maximum punishment authorized for a particular crime be proved to a jury beyond a reasonable doubt – applies to the imposition of criminal fines.
10-9646	Miller v. Alabama	State	Mar 20, 2012	Jun 25, 2012	5-4	Kagan	Reversed and remanded; The Eighth Amendment prohibits a sentencing scheme that requires life in prison without the possibility of parole for juvenile homicide offenders.
10-9647	Jackson v. Hobbs	State	Mar 20, 2012	Jun 25, 2012			Reversed and remanded; The Eighth Amendment prohibits a sentencing scheme that requires life in prison without the possibility of parole for juvenile homicide offenders (consolidated with <i>Miller v. Alabama</i> ).

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11-199	Vasquez v. United States	CA7	Mar 21, 2012	Apr 2, 2012		<i>Per Curiam</i>	Dismissed; Dismissed as improvidently granted.
11-262	Reichle v. Howards	CA10	Mar 21, 2012	Jun 4, 2012	8-0	Thomas	Reversed and remanded; The petitioners – two Secret Service agents -- are entitled to qualified immunity from suit involving a claim that they arrested the respondent in retaliation for remarks he had made about then-Vice President Cheney because, at the time of the arrest, it was not clearly established that an arrest supported by probable cause could give rise to a First Amendment violation.
11-400	National Federation of Independent Businesses v. Sebelius	CA11	Mar 28, 2012	Jun 28, 2012	5-4	Roberts	Affirmed in part, reversed in part; (1) The minimum care provision of the Affordable Care Act is constitutional as an application of Congress's power to "lay and collect taxes" under Article I, Section 8, Clause 1 of the Constitution; and (2) provisions of the Act that coerce states into expanding Medicaid entitlements or risk losing funding are unconstitutionally coercive of state sovereignty.
<b>VII. April</b>							
11-204	Christopher v. SmithKline Beecham	CA9	Apr 16, 2012	Jun 18, 2012	5-4	Alito	Affirmed; The petitioners – pharmaceutical sales representatives whose primary duty is to obtain nonbinding commitments from physicians to prescribe their employer's prescription drugs in appropriate cases – qualify as outside salesmen under the most reasonable interpretation of the Department of Labor's regulations.
11-5683	Dorsey v. United States	CA7	Apr 17, 2012	Jun 21, 2012	5-4	Breyer	Vacated and remanded; The more lenient mandatory minimum provisions of the Fair Sentencing Act – which reduced the disparity between sentences for crack and powder cocaine offenses – apply to defendants who committed a crack cocaine crime before the Act went into effect but were sentenced after its effective date in 2010.

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11-551	Salazar v. Ramah Navajo Chapter	CA10	Apr 18, 2012	Jun 18, 2012	5-4	Sotomayor	Affirmed; The federal government must pay in full each tribe's contract support costs incurred by a tribal contractor under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450, even if Congress has failed to appropriate sufficient funds to cover all of the contract support costs owed to all tribal contractors collectively.
11-166	RadLAX Gateway Hotel v. Amalgamated Bank	CA7	Apr 23, 2012	May 29, 2012	8-0	Scalia	Affirmed; Debtors may not obtain confirmation of a Chapter 11 bankruptcy "cramdown" plan that proposes to sell substantially all of the debtors' property at an auction, free and clear of the Bank's lien, using the sale proceeds to repay the Bank, but that does not permit the Bank to credit-bid at the sale.
11-246	Match-E-Be-Nash-She-Wish Band v. Patchak	CADC	Apr 24, 2012	Jun 18, 2012	8-1	Kagan	Affirmed and remanded; The federal government has waived its sovereign immunity from the respondent's suit under the Administrative Procedure Act, in which he alleges that Section 465 of the Indian Reorganization Act did not authorize the Secretary of the Interior to acquire into trust property that the Band intended to use for "gaming purposes" because the Band was not a federally recognized tribe when the Indian Reorganization Act was enacted in 1934. Moreover, the respondent has prudential standing to challenge the Secretary's acquisition of the land in question.
11-182	Arizona v. United States	CA9	Apr 25, 2012	Jun 25, 2012	5-3	Kennedy	Affirmed in part, reversed in part, and remanded; The lower courts erred in holding that Section 2(B) of Senate Bill 1070 - which requires police to check the immigration status of persons whom they detain before releasing them and which allows police to stop and detain anyone suspected of being an undocumented immigrant – should not go into effect while its lawfulness is being litigated because it is not sufficiently clear that the provision is preempted. Section 3 – which makes it a state crime for someone to be in the United States without proper authorization – is preempted because Congress left no room for states to regulate in that field, or even to enhance federal prohibitions. Section 5(C) -which makes it a state crime for undocumented immigrants to apply for a job or work in Arizona – is preempted as imposing an obstacle to the federal regulatory system. Section 6 – which authorizes state law enforcement officials to arrest without a warrant any individual otherwise lawfully in the country, if they have probable cause to believe that the individual has committed a deportable offense – is preempted because whether and when to arrest someone for being unlawfully in the country is a question solely for the federal government.

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<b><i>VIII. Summary Reversals</i></b>							
10-1115	Cavazos v. Smith	CA9	-	Oct 31, 2011	6-3	<i>Per Curiam</i>	Reversed and remanded; The Ninth Circuit exceeded its authority under 28 U.S.C. § 2254(d) when it substituted its own judgment for that of a California jury on the question whether the prosecution's or the defense's expert witnesses more persuasively explained the cause of a death.
10-1521	KPMG v. Cocchi	CA6	-	Nov 7, 2011	9-0	<i>Per Curiam</i>	Vacated and remanded; Remanded to Florida state court for consideration of whether arbitration is required for some of the claims alleged.
10-1540	Bobby v. Dixon	State	-	Nov 7, 2011	9-0	<i>Per Curiam</i>	Reversed and remanded; The two-step interrogation technique used in this case did not undermine defendant's Miranda warning, thereby rendering admissible his statements following the recital of his Miranda rights.
11-74	Hardy v. Cross	CA7	-	Dec 12, 2011	9-0	<i>Per Curiam</i>	Reversed; The lower court's ruling overturning a decision of an Illinois state court was inconsistent with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U.S.C. § 2254, which "imposes a highly deferential standard for evaluating state-court rulings and demands that state-court decisions be given the benefit of the doubt."
11-208	Ryburn v. Huff	CA9	-	Jan 23, 2012	9-0	<i>Per Curiam</i>	Reversed and remanded; Police officers acted reasonably when they made a warrantless entry of plaintiff's home because plaintiff's behavior gave them a reasonable basis to conclude that there was an imminent threat of violence.

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11-38	Wetzel v. Lambert	CA3	-	Feb 21, 2012	6-3	<i>Per Curiam</i>	Vacated and remanded; The Third Circuit had failed to address the state court's determination that the notations on the police activity sheet were "not exculpatory or impeaching" but instead "entirely ambiguous."
11-394	Marmet Health Care Center v. Brown	State	-	Feb 21, 2012	9-0	<i>Per Curiam</i>	Vacated and remanded; West Virginia's categorical prohibition of pre-dispute agreements to arbitrate personal-injury or wrongful-death claims against nursing homes is contrary to the terms and coverage of the FAA.
11-1053	Coleman v. Johnson	CA3	-	May 29, 2012	9-0	<i>Per Curiam</i>	Reversed and remanded; Evidence at trial was not nearly sparse enough to sustain a due process challenge.
11-845	Parker v. Williams	CA6	-	Jun 11, 2012	9-0	<i>Per Curiam</i>	Reversed and remanded; The Sixth Circuit's decision setting aside two twenty-nine-year-old murder convictions is reversed because it is a textbook example of the use of federal habeas corpus review to second-guess the reasonable decisions of state courts, which the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) proscribes.
11-1179	American Tradition Partnership v. Bullock	State	-	Jun 25, 2012	5-4	<i>Per Curiam</i>	Reversed; Montana's argument in support of the judgment below was either already rejected in <i>Citizens United v. FEC</i> or fails to meaningfully distinguish that case.