

Supreme Court Review

Alumni Reunion
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United States Supreme Court -- October Term 2023

I. Abortion

Food and Drug Administration v. Alliance for Hippocratic Medicine, 144 S.Ct. 1540 (2024). Plaintiffs lack Article III standing to challenge the Food and Drug Administration's regulatory actions regarding mifepristone.

Moyle v. United States, 144 S.Ct. 2015 (2024). Certiorari improvidently granted as to whether the Supreme Court should stay the order by the U.S. District Court for the District of Idaho enjoining the enforcement of Idaho's Defense of Life Act, which prohibits abortions unless necessary to save the life of the mother, on the ground that the Emergency Medical Treatment and Labor Act preempts it.

II. Administrative law

Loper Bright Enterprises v. Raimondo, 144 S.Ct. 2244 (2024). The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; Chevron is overruled.

Securities and Exchange Commission v. Jarkesy, 144 S.Ct. 2117 (2024). The statutory provisions that empower the Securities and Exchange Commission to initiate and adjudicate administrative enforcement proceedings seeking civil penalties violate the Seventh Amendment.

III. Criminal law

Grants Pass v. Johnson, 144 S.Ct. 2202 (2024). The enforcement of generally applicable laws regulating camping on public property does not constitute "cruel and unusual punishment" prohibited by the Eighth Amendment.

IV. First Amendment – speech

Lindke v. Freed, 144 S.Ct. 756 (2024). A public official who prevents someone from commenting on the official's social-media page engages in state action under 42 U.S.C. § 1983 only if the official both (1) possessed actual authority to speak on the state's behalf on a

particular matter, and (2) purported to exercise that authority when speaking in the relevant social-media posts.

National Rifle Association of America v. Vullo, 144 S.Ct. 1316 (2024). The NRA plausibly alleged that former superintendent of the New York Department of Financial Services Maria Vullo violated the First Amendment by coercing regulated entities to terminate their business relationships with the NRA in order to punish or suppress the NRA's gun-promotion advocacy.

Murthy v. Missouri, 144 S.Ct. 1972 (2024). Challengers lack standing to challenge Biden administration policy of encouraging internet and social media companies to take down false speech.

Moody v. NetChoice, LLC, 144 S.Ct. 2383 (2024). Neither the U.S. Courts of Appeals for the 11th Circuit nor the 5th Circuit conducted a proper analysis of the facial First Amendment challenges to the Florida and Texas laws regulating large internet platforms.

V. Second Amendment

U.S. v. Rahimi, 144 S.Ct. 1889 (2024). When an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment.

VI. Donald Trump litigation

Trump v. Anderson, 144 S.Ct. 662 (2024). Because the Constitution makes Congress, rather than the states, responsible for enforcing Section 3 of the 14th Amendment against federal officeholders and candidates, the Colorado Supreme Court erred in ordering former President Donald Trump excluded from the 2024 presidential primary ballot.

Trump v. United States, 144 S.Ct. 2312 (2024). The nature of presidential power entitles a former president to absolute immunity from criminal prosecution for actions within his conclusive and preclusive constitutional authority; he is also entitled to at least presumptive immunity from prosecution for all his official acts; there is no immunity for unofficial acts.