

(ORDER LIST: 593 U.S.)

TUESDAY, JUNE 1, 2021

ORDERS IN PENDING CASES

20A144 DeBENEDETTO, RICHARD B. V. LUMPKIN, DIR., TX DCJ

The application for a certificate of appealability addressed to Justice Sotomayor and referred to the Court is denied.

20M69 O'DWYER, ASHTON R. V. USCA 5

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

20M80 ALLEN, THOMAS N. V. PARRIS, WARDEN

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

20M81 ARIZONA, ET AL. V. SAN FRANCISCO, CA, ET AL.

The movants in this matter have sought leave to intervene in this Court. They have also indicated their intention to file a petition for a writ of certiorari respecting the denial of their motion for leave to intervene in the United States Court of Appeals for the Ninth Circuit. The motion for leave to intervene in this Court is hereby held in abeyance pending the timely filing and disposition of the petition for a writ of certiorari respecting the denial of intervention below.

20M82 BROOKS, MICHAEL T. V. AGATE RESOURCES, INC.

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

20M83 DURAN-GOMEZ, WILMAR R. V. UNITED STATES

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

142, ORIG. FLORIDA V. GEORGIA

The Honorable Paul J. Kelly, Jr., of Santa Fe, New Mexico, the Special Master in this case, is hereby discharged with the thanks of the Court.

20-7366 IN RE JOHN P. ALEXANDER

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

CERTIORARI GRANTED

20-915 UNICOLORS, INC. V. H&M HENNES & MAURITZ, L.P.

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

CERTIORARI DENIED

20-578 HEDGER, GARY, ET AL. V. GRAVES, RONALD

20-885 NEXT ENERGY, LLC V. DEPT. OF NATURAL RESOURCES

20-1044 SAUL, ANDREW M. V. RAMSEY, JOYCE, ET AL.

20-1318 SHACK, VINCENT W. V. NBC UNIVERSAL MEDIA, ET AL.

20-1325 PERKINS, WESLEY V. LIPSCOMBE, JOHN, ET AL.

20-1336 QUINETTE, DENIS V. REED, DILMUS, ET AL.

20-1347 ZECENA-VALDEZ, SELVIN E. V. NEVADA

20-1348 TRUE HARMONY, ET AL. V. USDC CD CA

20-1353 THOMAS, ALLEN G. V. ABEBE, TEKLE G., ET AL.

20-1358 ARMSTRONG, ARTHUR O. V. USCA 4

20-1367 SPRUILL, ETHAN J. V. BRAGGS, WARDEN

20-1380 SECURITY PEOPLE, INC. V. HIRSHFELD, DREW, ET AL.

20-1397 WANG, LI V. GARLAND, ATT'Y GEN.

20-1398 KATZ, JEROME I. V. SAUL, ANDREW M.

20-1404 GARRETT, KENYON J. V. UNITED STATES

20-1407 AL-SAADON, ORWA ALI, ET AL. V. GARLAND, ATT'Y GEN., ET AL.

20-1413 BROWN, DEBRA M. V. FED. NAT. MORTGAGE ASSN.

20-1437 OPTIMUM SERVICES, INC. V. HAALAND, SEC. OF INTERIOR

20-1440 ANAYA, DAVID A. V. LUMPKIN, DIR., TX DCJ

20-1446 LaCOURSE, PATRICIA V. PAE WORLDWIDE INC., ET AL.

20-1464 JOSHI, RAHUL R. V. UNITED STATES

20-1488 BROOK, SHERWIN A. V. McCORMLEY, J., ET AL.

20-1503 LAITY, ROBERT C. V. HARRIS, KAMALA D.

20-1528 WILSON, LAWRENCE D. V. UNITED STATES

20-1546 BELLFLOWER UNIFIED SCH. DIST. V. LUA, FERNANDO, ET AL.

20-1547 BROIDY CAPITAL MGMT., ET AL. V. QATAR

20-6049 GONZALEZ-FERRETIZ, ISIDORO V. UNITED STATES

20-6066 SEGURA-VIRGEN, RODOLFO V. UNITED STATES

20-6684) SILVERIA, DANIEL T. V. CALIFORNIA

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20-7252) TRAVIS, JOHN R. V. CALIFORNIA

20-6802 JONES, NOEL V. UNITED STATES

20-6946 CASHIN, BARRY V. UNITED STATES

20-6947 CAVE, ALPHONSO V. FLORIDA

20-7005 KING, ANDRE V. KENDALL, WARDEN

20-7116 DEL PINO ALLEN, ISABEL V. BD. OF TRUSTEES

20-7214 PATRICK, ERIC K. V. FLORIDA

20-7238 GARCIA, ALBERTO J. V. MISSISSIPPI

20-7251 WILLIAMS, ERIC L. V. TEXAS

20-7353 SHARIPOFF, FIVEA V. PERSSON, SUPT., COFFEE CREEK

20-7559 OXENDINE-TAYLOR, LORA K. V. EASTERN BAND OF CHEROKEE INDIANS

20-7560 MORRIS, HAKIM J. V. CATE, JOCELYN B., ET AL.
20-7568 COFFEY, L. E. PAULI V. SOUTH CAROLINA
20-7571 FULGHAM, HILLIARD A. V. CROW, DIR., OK DOC
20-7576 RODRIGUEZ, HUMBERTO V. TEXAS
20-7577 STUCKS, PERCY A. V. FLORIDA
20-7578 SPATARU, VALENTIN V. RAMSAY, RICK, ET AL.
20-7579 PHILLIPS, DONALD V. TEXAS
20-7581 HERNANDEZ, MICHAEL V. FLORIDA
20-7583 HILD, THOMAS M. V. COLORADO
20-7588 GAY, ANTHONY S. V. SHINN, DIR., AZ DOC
20-7590 PARKER, BILLY E. V. OKLAHOMA
20-7595 THOMAS, RANDY T. V. STANSON, STEVE, ET AL.
20-7596 WARE, OLEN V. LUMPKIN, DIR., TX DCJ
20-7600 NAVARRO, ANTONIO V. CALIFORNIA
20-7602 RODRIGUEZ, BIENVENIDO V. KLEMM, ULLI, ET AL.
20-7606 AJJAHNON, ZOE V. ST. JOSEPH'S MED. CENTER, ET AL.
20-7616 THOMAS, DESHUN V. LUMPKIN, DIR., TX DCJ
20-7620 MORET, ANDREW G. V. GARRETT, PATRICK, ET AL.
20-7671 JOHNSON, RONALD E. V. SCHMIDT, ATT'Y GEN. OF KANSAS
20-7676 RICHARDS, AARON O. V. VANNOY, WARDEN
20-7757 TOLIVER, JAMES L. V. FLORIDA
20-7810 PROPHET, ANTONIO V. TERRY, ACTING WARDEN
20-7839 FORD, TAQUARIUS K. V. UNITED STATES
20-7845 MINAYA, OSCAR V. UNITED STATES
20-7856 AYALA, DENNIS V. UNITED STATES
20-7872 MORTON, JEREMY D. V. UNITED STATES
20-7876 TILLERY, DARRELL V. VANNOY, WARDEN
20-7884 MELENDEZ-DAVILA, ROEL G. V. UNITED STATES

20-7888 ROSS, JAMES A. V. SHELTON, STEVEN, ET AL.
20-7890 SPENCER, ANTWOYN T., ET AL. V. UNITED STATES
20-7904 SIMMONS, BRUCE V. UNITED STATES
20-7906 SILVA, GERALD J. V. UNITED STATES
20-7910 AYBAR-ULLOA, JOHVANNY V. UNITED STATES
20-7914 WILLIAMS, DANNY R. V. UNITED STATES
20-7917 LOWELL, MIRIAM, ET AL. V. VT DEPT. OF CHILDREN, ET AL.
20-7939 JONES, CEDRIC V. USDC MD TN
20-7948 BAKER, ERNEST H. V. OR DOC, ET AL.

The petitions for writs of certiorari are denied.

20-1223 JOHNSON & JOHNSON, ET AL. V. INGHAM, GAIL L., ET AL.

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

20-1493 NICHOLS, STEPHEN V. WAYNE COUNTY, MICHIGAN, ET AL.

The motion of Restore the Fourth, Inc. for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-7574 RYMER, ROBERT K. V. USCA 7

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

20-7887 SPELLS, RONNIE V. UNITED STATES

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

MANDAMUS DENIED

20-1365 IN RE ARNO P. KUIGOUA

20-7660 IN RE JUSTIN P. SULZNER

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

20-1023 COULTER, JEAN V. IGNELZI, PHILIP A., ET AL.

20-1342 IN RE TITUS L. RADCLIFF

20-6357 COOK, PAUL V. SUPERIOR COURT OF CA

20-6965 MILLER, BRADLEY B. V. DUNN, VIRGINIA T.

20-7009 REED, MARK R. V. TOOLE, WARDEN, ET AL.

20-7399 CLANCY, JENITA V. AUSTIN, SEC. OF DEFENSE

The petitions for rehearing are denied.

20-955 NEWHOUSE, DELVA V. ETHICON INC., ET AL.

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

20-656 KINGHORN, ROBERT, ET AL. V. UNITED STATES

20-6677 IN RE WILLIAM H. WRIGHT

The motions for leave to file petitions for rehearing are denied.

KAVANAUGH, J., concurring

SUPREME COURT OF THE UNITED STATES

KENNETH LAMONT SANDERS *v.* UNITED STATES

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

No. 20–6400. Decided June 1, 2021

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of *Caniglia v. Strom*, 593 U. S. ____ (2021).

JUSTICE KAVANAUGH, concurring in the decision to grant, vacate, and remand.

In this Fourth Amendment case, the Eighth Circuit relied on the “community caretaking” doctrine to uphold the warrantless entry into a home. This Court’s recent decision in *Caniglia v. Strom*, *ante*, p. ____, rejected that doctrine as applied to homes. I therefore concur in the Court’s decision to grant, vacate, and remand to the Eighth Circuit in light of *Caniglia*. As I will explain, however, the Eighth Circuit on remand may still consider whether to uphold the entry under this Court’s longstanding precedents allowing officers to enter a home without a warrant when officers reasonably believe that an occupant is threatened with serious injury. See, *e.g.*, *Caniglia*, *ante*, at 1 (ROBERTS, C. J., concurring); *Brigham City v. Stuart*, 547 U. S. 398 (2006).

* * *

This case arises out of a domestic disturbance that occurred in Dubuque, Iowa. On February 16, 2018, 11-year-old N. R. called her grandmother and said that N. R.’s mother, Karina LaFrancois, and Karina’s boyfriend, Kenneth Sanders, were “fighting really bad” and “they need[ed] someone to come.” 956 F. 3d 534, 537 (CA8 2020). The grandmother called 911 and relayed that information

KAVANAUGH, J., concurring

to the operator. The grandmother also told the operator that two other small children were in the home.

When the Dubuque police officers arrived at Karina's home shortly thereafter, one officer saw N. R. through an upstairs window "acting excited" and gesturing. *Ibid.* Karina then came out of the home to talk to the officers. Karina had red marks on her face and neck and appeared visibly upset. The officers asked to speak with her boyfriend Sanders, and Karina responded that she would have Sanders come outside. When Karina opened the door to get Sanders, the officers heard a child crying inside. At that point, the officers entered the home. They found Sanders just inside the door and an infant in a nearby playpen. They then went upstairs and located N. R., who informed them that there was a gun downstairs and that she had heard Karina yelling, "Put the gun down! Put the gun down!" *Id.*, at 538. N. R. also told the officers that she had heard what she thought was Sanders choking Karina. The officers then spoke with Karina, who told them that Sanders had a gun and that it could be in a couch on the first floor. The officers found the gun in the couch.

Sanders later conditionally pled guilty in federal court to the federal offense of unlawfully possessing a firearm, preserving his right to appeal with respect to the officers' warrantless entry into Karina's home.

On appeal, the Eighth Circuit held that the officers' entry was reasonable under the Fourth Amendment. The court relied on Circuit precedent recognizing a "community caretaking" doctrine that justified certain warrantless entries into the home. The court explained that the officers "reasonably believed an emergency situation existed that required their immediate attention in the form of entering" Karina's "home to ensure that no one inside was injured or in danger." *Id.*, at 539.

The Court today vacates and remands the Eighth Circuit's judgment in light of *Caniglia*. In *Caniglia*, the Court

KAVANAUGH, J., concurring

held that there is no standalone “community caretaking” doctrine that allows warrantless entries into the home. See *ante*, at 4. Because the Eighth Circuit relied on just such a standalone “community caretaking” doctrine, today’s decision to vacate and remand for reconsideration in light of *Caniglia* is appropriate.

To be clear, however, the fact that the Eighth Circuit used a now-erroneous label does not mean that the Eighth Circuit reached the wrong result. *Caniglia* did not disturb this Court’s longstanding precedents that allow warrantless entries into a home in certain circumstances. See *ante*, at 1 (ROBERTS, C. J., concurring). Of particular relevance here, the Court has long said that police officers may enter a home without a warrant if they have an “objectively reasonable basis for believing that an occupant” is “seriously injured or threatened with such injury.” *Brigham City*, 547 U. S., at 400, 403. On remand, the Eighth Circuit will be able to consider precedents such as *Brigham City*.

With those comments, I concur in the Court’s decision to grant, vacate, and remand.