

OT 00 Case Summaries

531 U. S., Part 1

[Arizona v. California](#), 531 U. S. ____ (2000)

R001; No. 8, Orig.; 10/10/00. Supplemental decree entered effectuating the parties' accords with respect to claims for additional water for the Fort Mojave and Colorado River Indian Reservations.

[Artuz v. Bennett](#), 531 U. S. ____ (2000)

R002; No. 99-1238; 11/7/00. An application for state postconviction relief's inclusion of procedurally barred claims does not render it improperly filed under an Antiterrorism and Effective Death Penalty Act of 1996 provision tolling the Act's limitations period during the time that a "properly filed" application for state postconviction relief is pending.

[Cleveland v. United States](#), 531 U. S. ____ (2000)

R003; No. 99-804; 11/7/00. Title 18 U. S. C. §1341--which proscribes use of the mails in furtherance of "any scheme or artifice to defraud, or for obtaining . . . property by means of . . . fraudulent . . . representations"--does not reach false statements made in an application for a state video poker license because such a license does not rank as "property" in the hands of the official licensor.

[Sinkfield v. Kelley](#), 531 U. S. ____ (2000)

R004; No. 00-132; 11/27/00. Appellees lack standing to challenge their own majority-white voting districts as products of unconstitutional racial gerrymandering that created bordering majority-minority districts because they cannot show that they were assigned to their districts as a direct result of a racial classification.

[Indianapolis v. Edmond](#), 531 U. S. ____ (2000)

R005; No. 99-1030; 11/28/00. Because the Indianapolis highway checkpoint program's primary purpose to interdict unlawful drugs is indistinguishable from general crime control, its checkpoints violate the Fourth Amendment.

[Eastern Associated Coal Coal. v. Mine Workers](#), 531 U. S. ____ (2000)

R006; No. 99-1038; 11/28/00. Public policy considerations do not require courts to refuse to enforce an arbitration award ordering an employer to reinstate an employee truck driver who twice tested positive for marijuana.

OT 00 Case Summaries

[Bush v. Palm Beach County Canvassing Bd.](#), 531 U. S. ____ (2000)

R007; No. 00-836; 12/4/00. In light of considerable uncertainty as to the precise grounds for decision, the Florida Supreme Court's judgment effectively extending by 12 days Florida's deadline for recounts of Presidential votes and directing Florida's Secretary of State to accept manual recounts submitted prior to that deadline is vacated and the case remanded.

[Green Tree Financial Corp.-Ala. v. Randolph](#), 531 U. S. ____ (2000)

R008; No. 99-1235; 12/11/00. Where, as here, the District Court has ordered the parties to proceed to arbitration and dismissed all the claims before it, the decision is "final" and thus appealable under the Federal Arbitration Act; respondent's agreement to arbitrate is not rendered unenforceable simply because it says nothing about the costs of arbitration.

[Bush v. Gore](#), 531 U. S. ____ (2000)

R009; No. 00-949; 12/12/00. Because it is evident that any recount seeking to meet 3 U. S. C. §5's December 12 safe-harbor date will be unconstitutional under the Equal Protection Clause, the judgment of the Florida Supreme Court ordering manual recounts to proceed in the 2000 Presidential election is reversed.

[Solid Waste Agency of Northern Cook Cty. v. Army Corps of Engineers](#), 531 U. S. ____ (2001)

R010; No. 99-1178; 1/9/01. Title 33 CFR §328.3(a)(3), as clarified and applied to petitioner's solid waste disposal site pursuant to a rule protecting migratory bird habitat in intrastate waters not adjacent to navigable waters, exceeds the authority granted to respondents under the Clean Water Act.

[Glover v. United States](#), 531 U. S. ____ (2001)

R011; No. 99-8576; 1/9/01. The Seventh Circuit erred in engrafting onto the prejudice branch of the test in *Strickland v. Washington*, 466 U. S. 668, the requirement that any increase in sentence must meet a standard of significance.

[Gitlitz v. Commissioner](#), 531 U. S. ____ (2001)

R012; No. 99-1295; 1/9/01. The Internal Revenue Code permits taxpayers to increase bases in their S corporation stock by the amount of the corporation's discharge of indebtedness excluded from gross income; such an increase occurs before the taxpayers are required to reduce the corporation's tax attributes.

[Fiore v. White](#), 531 U. S. ____ (2001)

OT 00 Case Summaries

R013; No. 98-942; 1/9/01. Fiore's state conviction on a charge of operating a hazardous waste facility without a permit, when Pennsylvania concedes that he had a permit, violates due process because the Commonwealth failed to prove a necessary element of the crime.

[Lopez v. Davis](#), 531 U. S. ____ (2001)

R014; No. 99-7504; 1/10/01. A Bureau of Prisons regulation denying early release to a prisoner whose offense is a felony attended by the carrying, possession, or use of a firearm is a permissible exercise of the BOP's discretion under 18 U. S. C. 3621(e)(2)(B), which authorizes it to reduce the prison term of an inmate convicted of a nonviolent felony who has successfully completed a substance abuse program.

531 U. S., Part 2

[Seling v. Young](#), 531 U. S. ____ (2001)

R015; No. 99-1185; 1/17/01. The Washington Supreme Court having previously found that State's sexually violent predator commitment statute to be civil in nature, respondent inmate cannot now obtain release through an "as applied" challenge to the statute on double jeopardy and ex post facto grounds.

[City News & Novelty, Inc. v. Waukesha](#), 531 U. S. ____ (2001)

R016; No. 99-1680; 1/17/01. Because the petitioner is not properly situated to raise the question on which this Court granted review, the petition is dismissed and the judgment of the Wisconsin Court of Appeals is left undisturbed.

[District of Columbia v. Tri County Industries, Inc.](#), 531 U. S. ____ (2001)

R017; No. 99-1953; 1/17/01. Writ of certiorari dismissed as improvidently granted.

[Brentwood Academy v. Tennessee Secondary School Athletic Assn.](#), 531 U. S. ____ (2001)

R018; No. 99-901; 2/20/01. When a statewide athletic association incorporated to regulate interscholastic competition among public and private high schools enforced a rule against a member school, it engaged in state action, owing to the pervasive entwinement of state school officials in the association's structure.

[Director of Revenue of Mo. v. CoBank ACB](#), 531 U. S. ____ (2001)

R019; No. 99-1792; 2/20/01. Banks for farm cooperatives are subject to state income taxation.

OT 00 Case Summaries

[Illinois v. McArthur](#), 531 U. S. ____ (2001)

R020; No. 99-1132; 2/20/01. Given the nature of the intrusion and the law enforcement interest at stake, the brief seizure of respondent's premises was permissible under the Fourth Amendment.

[Buckman Co. v. Plaintiffs' Legal Comm.](#), 531 U. S. ____ (2001)

R021; No. 98-1768; 2/21/01. State-law fraud-on-the-Food-and-Drug-Administration claims at issue conflict with, and are therefore impliedly pre-empted by, the federal Food, Drug, and Cosmetic Act, as amended by the Medical Devices Amendments of 1976.

[Board of Trustees of Univ. of Ala. v. Garrett](#), 531 U. S. ____ (2001)

R022; No. 99-1240; 2/21/01. Federal-court suits by state employees to recover money damages by reason of the State's failure to comply with Title I of the Americans with Disabilities Act of 1990 are barred by the Eleventh Amendment.

[Central Green Co. v. United States](#), 531 U. S. ____ (2001)

R023; No. 99-859; 2/21/01. In determining whether Flood Control Act of 1928, 33 U. S. C. §702c, immunity attaches, courts should consider the character of the waters that cause the relevant damage and the purposes behind their release rather than the relation between that damage and a flood control project.

[Lewis v. Lewis & Clark Marine, Inc.](#), 531 U. S. ____ (2001)

R024; No. 99-1331; 2/21/01. State courts may entertain a seaman's personal injury claims against a vessel owner so long as the owner's right to seek limitation of liability in federal court is protected.

[Whitman v. American Trucking Assns., Inc.](#), 531 U. S. ____ (2001)

R025; No. 99-1257; 2/27/01. Section 109(b)(1) of the Clean Air Act did not delegate legislative power to the Environmental Protection Agency Administrator; the Administrator may not consider implementation costs in setting air quality standards; and the EPA's implementation policy with regard to revised ozone standards is unlawful.

[Semtek Int'l Inc. v. Lockheed Martin Corp.](#), 531 U. S. ____ (2001)

R026; No. 99-1551; 2/27/01. Because the claim-preclusive effect of a federal court's dismissal "upon the merits" of a diversity action on state statute-of-limitations grounds is governed by a

OT 00 Case Summaries

federal rule that incorporates the claim-preclusion law applied by state courts in the State in which the federal court sits, a Maryland state court erred in holding that such a dismissal by a California federal court necessarily precluded a Maryland state-court action.

[Cook v. Gralike](#), 531 U. S. ____ (2001)

R027; No. 99-929; 2/28/01. Article VIII of the Missouri Constitution, which is designed to bring about a specified "Congressional Term Limits Amendment" to the Federal Constitution, is not a valid exercise of the people's right to instruct their representatives reserved by the Tenth Amendment nor a permissible regulation of the "manner" of electing federal legislators within the authority delegated States by the Elections Clause.

[Legal Services Corporation v. Velazquez](#), 531 U. S. ____ (2001)

R028; No. 99-603; 2/28/01. A restriction prohibiting Legal Services Corporation Act funding of any organization that represents clients in an effort to amend or otherwise challenge existing welfare law violates the First Amendment.

532 U. S., Part 1

[Department of Interior v. Klamath Water Users Protective Assn.](#), 532 U. S. 1 (2001)

R029; No. 99-1871; 3/5/01. Documents passing between Indian Tribes and the Interior Department addressing tribal interests subject to state and federal water-allocation proceedings are not exempt from the disclosure requirements of the Freedom of Information Act as "inter-agency or intra-agency memorandums or letters" under FOIA Exemption 5.

[Ohio v. Reiner](#), 532 U. S. ____ (2001)

R030; No. 00-1028; 3/19/01. The Ohio Supreme Court erred in holding that a witness' assertion of innocence deprived her of her Fifth Amendment privilege against self-incrimination.

[TrafFix Devices, Inc. v. Marketing Displays, Inc.](#), 532 U. S. ____ (2001)

R031; No. 99-1571; 3/20/01. Because MDI's dual-spring design mechanism for keeping road signs upright is a functional feature for which there is no trade dress protection, MDI's claim for such protection is barred.

[Shafer v. South Carolina](#), 532 U. S. ____ (2001)

OT 00 Case Summaries

R032; No. 00-5250; 3/20/01. The South Carolina Supreme Court incorrectly interpreted *Simmons v. South Carolina*, 512 U. S. 154, when it declared that case inapplicable to South Carolina's current sentencing scheme.

[*Buford v. United States*, 532 U. S. ____ \(2001\)](#)

R033; No. 99-9073; 3/20/01. Deferential review is appropriate when an appeals court reviews a trial court's Sentencing Guideline determination as to whether an offender's prior convictions were consolidated for sentencing purposes.

[*Ferguson v. Charleston*, 532 U. S. ____ \(2001\)](#)

R034; No. 99-936; 3/21/01. A state hospital's performance of drug tests to obtain evidence of maternity patients' cocaine use for law enforcement purposes is an unreasonable search if the patients have not consented to the procedure; the interest in using the threat of criminal sanctions to deter such use cannot justify a departure from the general rule that an official nonconsensual search is unconstitutional if not authorized by a valid warrant.

[*Circuit City Stores v. Adams*, 532 U. S. ____ \(2001\)](#)

R035; No. 99-1379; 3/21/01. Section 1 of the Federal Arbitration Act-which excludes from that Act's coverage "contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce"-exempts the employment contracts of transportation workers, but not other employment contracts.

[*Egelhoff v. Egelhoff*, 532 U. S. ____ \(2001\)](#)

R036; No. 99-1529; 3/21/01. The Washington statute that provides that the designation of a spouse as the beneficiary of a nonprobate asset is revoked automatically upon divorce has a connection with ERISA plans and is therefore expressly pre-empted by ERISA.

[*Texas v. Cobb*, 532 U. S. ____ \(2001\)](#)

R037; No. 99-1702; 4/2/01. Because the Sixth Amendment right to counsel is "offense specific," it does not necessarily extend to crimes that are "factually related" to those that have actually been charged.

[*Lujan v. G & G Fire Sprinklers, Inc.*, 532 U. S. ____ \(2001\)](#)

R038; No. 00-152; 4/17/01. Because California law affords respondent public works project subcontractor sufficient opportunity to pursue its claim for payment under its contracts in state court, the statutory scheme does not deprive respondent of due process when it authorizes the

OT 00 Case Summaries

State to order withholding of such payments from the contractor if a subcontractor fails to comply with certain Labor Code requirements; permits the contractor, in turn, to withhold similar sums from the subcontractor; and permits the contractor, or his assignee, to sue the awarding body for alleged breach of the contract.

[United States v. Cleveland Indians Baseball Co.](#), 532 U. S. ____ (2001)

R039; No. 00-203; 4/17/01. Back wages are subject to FICA and FUTA taxes by reference to the year the wages are in fact paid.

[Shaw v. Murphy](#), 532 U. S. ____ (2001)

R040; No. 99-1613; 4/18/01. Inmates do not possess a special First Amendment right to provide legal assistance to fellow inmates that enhances the protections otherwise available under *Turner v. Safley*, 482 U. S. 78.

[Hunt v. Cromartie](#), 532 U. S. ____ (2001)

R041; No. 99-1864; 4/18/01. The District Court's conclusion that North Carolina violated the Equal Protection Clause in drawing its Twelfth Congressional District's boundaries is based on clearly erroneous findings.

[Clark County School Dist. v. Breeden](#), 532 U. S. ____ (2001)

R042; No. 00-866; 4/23/01. Petitioner school district was entitled to summary judgment on respondent's claims that petitioner violated Title VII of the Civil Rights Act of 1964 when it took two separate adverse employment actions against her in response to two different protected activities in which she had engaged.

[Alexander v. Sandoval](#), 532 U. S. ____ (2001)

R043; No. 99-1908; 4/24/01. There is no private right of action to enforce disparate-impact regulations promulgated under Title VI of the Civil Rights Act of 1964.

[Atwater v. Lago Vista](#), 532 U. S. ____ (2001)

R044; No. 99-1408; 4/24/01. The Fourth Amendment does not forbid a warrantless arrest for a minor criminal offense, such as a misdemeanor seatbelt violation punishable only by a fine.

532 U. S., Part 2

OT 00 Case Summaries

[Daniels v. United States, 532 U. S. ____ \(2001\)](#)

R045; No. 99-9136; 4/25/01. Petitioner, having failed to pursue available remedies to challenge his prior convictions, may not now use a 28 U. S. C. §2255 motion challenging his federal sentence to collaterally attack those convictions.

[Lackawanna County District Attorney v. Coss, 532 U. S. ____ \(2001\)](#)

R046; No. 99-1884; 4/25/01. Title 28 U. S. C. §2254 does not provide a remedy when a state prisoner challenges a current sentence on the ground that it was enhanced based on an allegedly unconstitutional prior conviction for which the petitioner is no longer in custody.

[C & L Enterprises, Inc. v. Citizen Band Patawatomí Tribe of Okla., 532 U. S. ____ \(2001\)](#)

R047; No. 00-292; 4/30/01. Under the agreement respondent Tribe proposed and signed, the Tribe clearly consented to arbitration and to the enforcement of arbitral awards in Oklahoma state court; the Tribe thereby waived its sovereign immunity from petitioner contractor's state-court suit to enforce its arbitration award.

[Cooper Industries, Inc. v. Leatherman Tool Group, Inc., 532 U. S. ____ \(2001\)](#)

R048; No. 99-2035; 5/14/01. Courts of Appeals should apply a de novo, not an abuse-of-discretion, standard when reviewing district court determinations of the constitutionality of punitive damages awards.

[Rogers v. Tennessee, 532 U. S. ____ \(2001\)](#)

R049; No. 99-6218; 5/14/01. The Tennessee Supreme Court's retroactive application to petitioner of its decision abolishing the common law " year and a day rule" did not deny petitioner due process of law in violation of the Fourteenth Amendment.

[United States v. Oakland Cannabis Buyers' Cooperative, 532 U. S. ____ \(2001\)](#)

R050; No. 00-151; 5/14/01. There is no medical necessity exception to the Controlled Substances Act's prohibitions on manufacturing and distributing marijuana.

[Major League Baseball Players Assn. v. Garvey, 532 U. S. ____ \(2001\)](#)

R051; No. 00-1210; 05/14/01. The Ninth Circuit committed reversible error under this Court's cases when it rejected an arbitrator's factual findings and then resolved the merits of the parties' labor dispute instead of remanding the case for further arbitration proceedings.

OT 00 Case Summaries

[Bartnicki v. Vopper](#), 532 U. S. ____ (2001)

R052; No. 99-1687; 5/21/01. Respondent news media's disclosure of the contents of an illegally intercepted cell phone conversation about a public issue is protected by the First Amendment.

[United States v. Hatter](#), 532 U. S. ____ (2001)

R053; No. 99-1978; 5/21/01. The judgment below is reversed insofar as the Federal Circuit found that the application of Medicare taxes to the salaries of federal judges taking office before 1983 violated the Compensation Clause, but affirmed insofar as that court found the application of Social Security taxes to the salaries of judges taking office before 1984 unconstitutional; a 1984 salary increase received by federal judges did not cure the latter violation.

[Wharf \(Holdings\) Ltd. v. United Int'l Holdings, Inc.](#), 532 U. S. ____ (2001)

R054; No. 00-347; 5/21/01. A company that sells an option to buy stock while secretly intending never to honor the option violates §10(b) of the Securities Exchange Act of 1934, which prohibits using "any manipulative or deceptive device or contrivance" "in connection with the purchase or sale of any security."

[Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and Human Resources](#), 532 U. S. ____ (2001)

R055; No. 99-1848; 5/29/01. The "catalyst theory," which posits that a plaintiff is a prevailing party if it achieves the desired result because the lawsuit brought about a voluntary change in the defendant's conduct, is not a permissible basis for the award of attorney's fees under the Fair Housing Amendments Act of 1988 and the Americans with Disabilities Act of 1990.

[Atkinson Trading Co. v. Shirley](#), 532 U. S. ____ (2001)

R056; No. 00-454; 5/29/01. The Navajo Nation's imposition of a hotel occupancy tax upon nonmembers on non-Indian fee land within its reservation is invalid.

532 U. S., Part 3

[PGA TOUR, Inc. v. Martin](#), 532 U. S. ____ (2001)

R057; No. 00-24; 5/29/01. Title III of the Americans with Disabilities Act of 1990 prohibits petitioner from denying golfer Casey Martin equal access to its golf tours on the basis of a disability that prevents him from walking a golf course; allowing Martin to use a golf cart,

OT 00 Case Summaries

despite petitioner's walking requirement, is not a modification that would "fundamentally alter the nature" of petitioner's tours.

NLRB v. Kentucky River Community Care, Inc., 532 U. S. ____ (2001)

R058; No. 99-1815; 5/29/01. The burden of proving supervisory status in a representation hearing and unfair-labor-practice proceeding falls on the employer, the party asserting supervisory status; the NLRB's categorical exclusion of professional judgments from the term "independent judgment" is inconsistent with the National Labor Relations Act.

Booth v. Churner, 532 U. S. ____ (2001)

R059; No. 99-1964; 5/29/01. Under 42 U. S. C. §1997e(a), an inmate seeking only money damages must complete any prison administrative process capable of addressing the inmate's complaint and providing some form of relief, even if the process does not make specific provision for monetary relief.

New Hampshire v. Maine, 532 U. S. ____ (2001)

R060; No. 130, Orig.; 5/29/01. Because New Hampshire, in an earlier proceeding fixing its boundary with Maine, agreed that the phrase "Middle of the River," as used in a 1740 decree, means the middle of the Piscataqua River's main channel of navigation, New Hampshire is estopped from asserting now that the boundary runs along the Maine shore.

Becker v. Montgomery, 532 U. S. ____ (2001)

R061; No. 00-6374; 5/29/01. When a party files a timely notice of appeal in federal district court, the failure to sign the notice does not require the court of appeals to dismiss the appeal.

Arkansas v. Sullivan, 532 U. S. ____ (2001) (*per curiam*)

R062; No. 00-262; 5/29/01. The Arkansas Supreme Court's ruling-that evidence obtained during an inventory search of respondent's car incident to respondent's arrest should be suppressed because the police officer had an improper subjective motivation for the stop-cannot be squared with *Whren v. United States*, 517 U. S. 806.

Florida v. Thomas, 532 U. S. ____ (2001) (*per curiam*)

R063; No. 00-391; 6/4/01. Because the judgment below was not "[f]inal" within the meaning of 28 U. S. C. §1257(a), this Court lacks jurisdiction to decide the question on which certiorari was granted.

OT 00 Case Summaries

Penry v. Johnson, 532 U. S. ____ (2001) (*per curiam*)

R064; No. 00-6677; 6/4/01. The jury instructions at Penry's resentencing for capital murder did not comply with the Court's mandate in *Penry v. Lynaugh*, 492 U. S. 302; the admission into evidence of statements from a psychiatric report based on an uncounseled interview with Penry did not run afoul of the Fifth Amendment.

Norfolk Shipbuilding & Drydock Corp. v. Garris, 532 U. S. ____ (2001) (*per curiam*)

R065; No. 00-346; 6/4/01. The general maritime cause of action recognized in *Moragne v. States Marine Lines, Inc.*, 398 U.S. 374, 409__for death caused by violation of maritime duties__is available for the negligent breach of a maritime duty of care.

United Dominion Industries, Inc. v. United States, 532 U. S. ____ (2001) (*per curiam*)

R066; No. 00-157; 6/4/01. The "product liability loss" (PLL) of an affiliated group of corporations electing to file a consolidated federal income tax return must be figured on a consolidated, single-entity basis, not by aggregating PLLs separately determined company by company.

Pollard v. E.I. du Pont de Nemours & Co., 532 U. S. ____ (2001) (*per curiam*)

R067; No. 00-763; 6/4/01. Front pay is not an element of compensatory damages under 42 U. S. C. §1981a and thus is not subject to the damages cap imposed by §1981a(b)(3).

533 U. S., Part 1

Kansas v. Colorado, 533 U. S. 1 (2001)

R068; No. 105, Orig.; 6/11/01. Where Kansas seeks damages for Colorado's breach of the Arkansas River Compact, Colorado's exceptions to the Special Master's Report awarding and determining monetary damages are sustained in part and overruled in part, and Kansas' exception is overruled.

Kyllo v. United States, 533 U. S. ____ (2001)

R069; No. 99-8508; 6/11/01. Where the Government uses a device, such as a thermal imager, that is not in general public use, to explore details of a private home that would previously have been unknowable without physical intrusion, the surveillance is a Fourth Amendment "search," and is presumptively unreasonable without a warrant.

OT 00 Case Summaries

[Tuan Anh Nguyen v. INS](#), 533 U. S. ____ (2001)

R070; No. 99-2071; 6/11/01. Title 8 U. S. C. §1409, which provides different citizenship rules for children born abroad and out of wedlock to one United States citizen and one noncitizen depending on whether the citizen parent is the mother or the father, is consistent with the equal protection guarantee embedded in the Fifth Amendment's Due Process Clause.

[Good News Club v. Milford Central School](#), 533 U. S. ____ (2001)

R071; No. 99-2036; 6/11/01. When Milford Central School excluded the Good News Club from meeting after hours at the school on the ground that the Club was religious in nature, it violated the Club's free speech rights; that violation is not justified by Milford's concern that permitting the Club's activities would violate the Establishment Clause.

[Alabama v. Bozeman](#), 533 U. S. ____ (2001)

R072; No. 00-492; 6/11/01. The literal language of Art. IV(e) of the Interstate Agreement on Detainers-which provides that a State that obtains a prisoner for trial must try him within 120 days of his arrival, Art. IV(c), and if it returns him to his original place of imprisonment prior to that trial, charges "shall" be dismissed with prejudice, Art. IV(e)-bars further criminal proceedings when a defendant is returned to the original place of imprisonment before trial.

[Cedric Kushner Promotions, Ltd. v. King](#), 533 U. S. ____ (2001)

R073; No. 00-549; 6/11/01. The RICO provision forbidding "any person employed by or associated with any enterprise . . . to conduct or participate . . . in the conduct of such enterprise's affairs through a pattern of racketeering activity," 18 U. S. C. §1962(c), applies when a corporate employee unlawfully conducts the affairs of the corporation of which he is the sole owner-whether he conducts those affairs within the scope, or beyond the scope, of corporate authority.

[Duncan v. Walker](#), 533 U. S. ____ (2001)

R074; No. 00-121; 6/18/01. A federal habeas petition is not an "application for State post-conviction or other collateral review" within 28 U. S. C. §2244(d)(2)'s meaning, so that provision did not toll the limitation period for filing respondent's second federal habeas petition during the pendency of his first federal habeas petition.

[Saucier v. Katz](#), 533 U. S. ____ (2001)

R075; No. 99-1977; 6/18/01. A qualified immunity ruling requires an analysis not susceptible of fusion with the question whether unreasonable force was used in making an arrest; petitioner, a military police officer, was entitled to qualified immunity for his actions in arresting respondent.

OT 00 Case Summaries

[United States v. Mead Corp.](#), 533 U. S. ____ (2001)

R076; No. 99-1434; 6/18/01. A Customs ruling letter has no claim to deference under *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837, but, under *Skidmore v. Swift & Co.*, 323 U. S. 134, it is eligible to claim respect according to its persuasiveness.

[Idaho v. United States](#), 533 U. S. ____ (2001)

R077; No. 00-189; 6/18/01. The National Government holds title, in trust for the Coeur d'Alene Tribe, to lands underlying portions of Lake Coeur d'Alene and the St. Joe River.

533 U. S., Part 2

[INS v. St. Cyr](#), 533 U. S. 2 (2001)

R078; No. 00-767; 6/25/01. Amendments that the Antiterrorism and Effective Death Penalty Act of 1996 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 made to the Immigration and Nationality Act did not affect the federal courts' habeas jurisdiction to decide pure questions of law; nor did they affect the availability of discretionary relief from deportation for aliens whose convictions were obtained through plea agreements before the amendments' effective dates.

[Calcano-Martinez v. INS](#), 533 U. S. ____ (2001)

R079; No. 00-1011; 6/25/01. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 precludes courts of appeals from exercising jurisdiction to review a final removal order against aliens removable by reason of aggravated felony convictions, but such aliens may pursue habeas relief in the district court.

[Nevada v. Hicks](#), 533 U. S. ____ (2001)

R080; No. 99-1994; 6/25/01. A tribal court does not have jurisdiction over tortious conduct and 42 U. S. C. §1983 claims against state officials who entered tribal land to investigate off-reservation violations of state law.

[United States v. United Foods, Inc.](#), 533 U. S. ____ (2001)

R081; No. 00-276; 6/25/01. The Mushroom Promotion, Research, and Consumer Information Act's requirement that fresh mushroom handlers pay assessments used primarily to fund advertising promoting mushroom sales violates the First Amendment.

OT 00 Case Summaries

[Federal Election Comm'n v. Colorado Republican Federal Campaign Comm.](#), 533 U. S. ____ (2001)

R082; No. 00-191; 6/25/01. Because a political party's expenditures coordinated with its candidates, unlike the party's truly independent expenditures, may be restricted to minimize circumvention of the Federal Election Campaign Act of 1971's contribution limits, the Colorado Republican Party's facial challenge to the Acts limits on parties' coordinated expenditures is rejected.

[New York Times Co. v. Tasini](#), 533 U. S. ____ (2001)

R083; No. 00-201; 6/25/01. Where freelance authors' articles in print periodicals were republished in electronic databases without the authors' consent, the copying was not authorized by the reproduction privilege afforded collective works publishers under §201(c) of the Copyright Act.

[Lorillard Tobacco Co. v. Reilly](#), 533 U. S. ____ (2001)

R084; No. 00-596; 6/28/01. Massachusetts' regulations governing cigarette advertising are pre-empted by the Federal Cigarette Labeling and Advertising Act; the State's outdoor and point-of-sale advertising regulations relating to smokeless tobacco and cigars violate the First Amendment, but its sales practices regulations relating to those products and cigarettes are constitutional.

[Palazzolo v. Rhode Island](#), 533 U. S. ____ (2001)

R085; No. 99-2047; 6/28/01. Petitioner's claim that Rhode Island's application of its wetlands regulations took his property without compensation in violation of the Takings Clause is ripe for review and is not barred by his acquisition of title after the regulations' effective date; however, he failed to establish a deprivation of all economic use, for the parcel retains significant development value.

[Tyler v. Cain](#), 533 U. S. ____ (2001)

R086; No. 00-5961; 6/28/01. The rule in *Cage v. Louisiana*, 498 U. S. 39-that a jury instruction is unconstitutional if there is a reasonable likelihood that the jury understood it to allow conviction without proof beyond a reasonable doubt-was not "made retroactive to cases on collateral review by the Supreme Court," within the meaning of 28 U. S. C. §2244(b)(2)(A).

[Zadvydas v. Davis](#), 533 U. S. ____ (2001)

OT 00 Case Summaries

R087; No. 99-7791; 6/28/01. The post-removal-period detention statute, read in light of the Constitution's demands, implicitly limits an alien's detention to a period reasonably necessary to bring about that alien's removal from the United States, and does not permit indefinite detention; the application of that limitation is subject to federal court review.