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534 U. S., Part 1

[Postal Service v. Gregory](#), 534 U. S. 1 (2001)

R001; No. 00-758; 11/13/01. The Merit Systems Protection Board may review independently prior disciplinary actions pending in grievance proceedings when reviewing termination and other serious disciplinary actions.

[TRW Inc. v. Andrews](#), 534 U. S. ____ (2001)

R002; No. 00-1045; 11/13/01. The Fair Credit Reporting Act's statute of limitations-which requires an action to be brought "within two years from the date on which the liability arises, except that where a defendant has . . . willfully misrepresented any information required . . . to be disclosed to [the plaintiff] and the information . . . is material to [a claim under the Act], the action may be brought at any time within two years after [the plaintiff's] discovery . . . of the misrepresentation"-is not governed by a general rule that the limitations period begins to run when the plaintiff knows or has reason to know that she was injured.

[Nebraska v. Wyoming](#), 534 U. S. ____ (2001)

R003; No. 108, Orig.; 11/13/01. The final settlement stipulation executed by the parties to this original case is approved, the proposed modified decree is entered, and all claims brought in this case are dismissed with prejudice.

[Correctional Services Corp. v. Malesko](#), 534 U. S. ____ (2001)

R004; No. 00-860; 11/27/01. The limited holding in *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U. S. 388, may not be extended to confer a right of action for damages against private entities acting under color of federal law.

[Chickasaw Nation v. United States](#), 534 U. S. ____ (2001)

R005; No. 00-507; 11/27/01. The Indian Regulatory Gaming Act provision codified at 25 U. S. C. §2719(d)(i) does not exempt tribes from paying the gambling-related taxes imposed by chapter 35 of the Internal Revenue Code.

[Adarand Constructors, Inc. v. Mineta](#), 534 U. S. ____ (2001)

R006; No. 00-730; 11/27/01. Certiorari is dismissed as improvidently granted because petitioner now challenges statutes and regulations pertaining to the Department of Transportation's direct procurement of highway construction on federal lands while the Tenth Circuit considered only

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the constitutionality of the DOT's Disadvantaged Business Enterprise program as it pertains to using federal funds for highway projects let by States and localities.

[United States v. Knights](#), 534 U. S. ____ (2001)

R007; No. 00-1260; 12/10/01. The warrantless search of petitioner, supported by reasonable suspicion and authorized by a condition of probation, satisfied the Fourth Amendment.

[J. E. M. Ag Supply, Inc. v. Pioneer Hi-Bred International, Inc.](#), 534 U. S. ____ (2001)

R008; No. 99-1996; 12/10/01. Utility patents may be issued for newly developed plant breeds under 35 U. S. C. §101; neither the Plant Variety Protection Act nor the Plant Patent Act of 1930 limits the scope of §101's coverage.

[Stewart v. Smith](#), 534 U. S. ____ (2001)

R009; No. 01-339; 12/12/01. To help this Court determine the proper state-law predicate for determination of the federal constitutional questions raised here, the following question is certified to the Arizona Supreme Court: At the time of respondent's third petition for postconviction relief under Ariz. Rule. Crim. Proc. 32, did the question whether an asserted ineffective assistance claim was of "sufficient constitutional magnitude" to require a knowing, voluntary, and intelligent waiver for purposes of Rule 32.2(a)(3) depend upon the merits of the particular claim or merely upon the particular right alleged to have been violated?

[Dusenbery v. United States](#), 534 U. S. ____ (2002)

R010; No. 00-6567; 1/8/02. The Government's sending of notice by certified mail of a cash forfeiture to petitioner's place of incarceration satisfied his due process rights.

[Toyota Motor Mfg., Ky., Inc. v. Williams](#), 534 U. S. ____ (2002)

R011; No. 00-1089; 1/8/02. The Sixth Circuit did not apply the proper standard in determining that respondent was disabled under the Americans with Disabilities Act of 1990 because that court analyzed only a limited class of manual tasks and failed to ask whether respondent's impairments prevented or restricted her from performing tasks that are of central importance to most people's daily lives.

[Great-West Life & Annuity Ins. Co. v. Knudson](#), 534 U. S. ____ (2002)

R012; No. 99-1786; 1/8/02. Because petitioners are seeking legal relief-the imposition of personal liability on respondents for a contractual obligation to pay money-this action is not authorized by §502(a)(3) of ERISA, which prescribes a suit for "appropriate equitable relief."

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Chao v. Mallard Bay Drilling, Inc., 534 U. S. ____ (2002)

R013; No. 00-927; 1/9/02. The Occupational Safety and Health Administration's jurisdiction to issue citations to respondent barge owner was not pre-empted by the Coast Guard under §4(b)(1) of the Occupational Safety and Health Act of 1970; and the barge in question was a "workplace" covered by the Act.

Kelly v. South Carolina, 534 U. S. ____ (2002)

R014; No. 00-9280; 1/9/02. Petitioner was entitled to a jury instruction that he would be ineligible for parole under a life sentence.

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United States v. Arvizu, 534 U. S. ____ (2002)

R015; No. 00-1519; 1/15/02. Considering the totality of the circumstances and giving due weight to the factual inferences drawn by a border patrol agent and the District Court Judge, the agent had reasonable suspicion to believe that respondent was engaged in illegal activity when he was stopped while driving on an unpaved road in a remote area of southeastern Arizona.

EEOC v. Waffle House, Inc., 534 U. S. ____ (2002)

R016; No. 99-1823; 1/15/02. An agreement between an employer and an employee to arbitrate employment-related disputes does not bar the Equal Employment Opportunity Commission from pursuing victim-specific judicial relief, such as backpay, reinstatement, and damages, in an action to enforce Title I of the Americans with Disabilities Act of 1990.

Thomas v. Chicago Park Dist., 534 U. S. ____ (2002)

R017; No. 00-1249; 1/15/02. A content-neutral time, place, and manner permit scheme regulating speech in a public forum need not contain the procedural safeguards described in *Freedman v. Maryland*, 380 U. S. 51.

National Cable & Telecommunications Assn., Inc. v. Gulf Power Co., 534 U. S. ____ (2002)

R018; No. 00-832; 1/16/02. The Pole Attachments Act authorizes the Federal Communications Commission to regulate the rates that utilities charge for attachments providing high-speed Internet access at the same time as cable television and for attachments providing wireless telecommunications.

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[Lee v. Kemna](#), 534 U. S. ____ (2002)

R019; No. 00-6933; 1/22/02. Two Missouri procedural Rules, as injected into this case by the state appellate court, did not constitute state grounds adequate to bar federal habeas review of the merits of petitioner's federal constitutional claim.

[Kansas v. Crane](#), 534 U. S. ____ (2002)

R020; No. 00-957; 1/22/02. *Kansas v. Hendricks*, 521 U. S. 346, set forth no requirement that a dangerous sexual offender have a total or complete lack of control to civilly commit him, but the Constitution does not permit such commitment without any lack-of-control determination.

[Owasso Independent School Dist. No. I-011 v. Falvo](#), 534 U. S. ____ (2002)

R021; No. 00-1073; 2/19/02. Peer grading-where students score each other's tests, papers, and assignments as the teacher explains the correct answers to the class-does not violate the Family Educational Rights and Privacy Act of 1974's prohibition on the release of education records without parental consent.

[Barnhart v. Sigmon Coal Co.](#), 534 U. S. ____ (2002)

R022; No. 00-1307; 2/19/02. The Coal Industry Retiree Health Benefit Act of 1992 does not permit the Commissioner of Social Security to assign retired miners to the successors in interest of out-of-business coal operators that signed agreements requiring contributions to the 1950 or 1974 Benefits Plans for miners.

[Wisconsin Dept. of Health and Family Servs. v. Blumer](#), 534 U. S. ____ (2002)

R023; No. 00-952; 2/20/02. The Wisconsin Medicaid statute's "income-first" prescription requiring that potential income transfers from an institutionalized spouse to her spouse living at home be considered in determining whether to increase the latter's "Community Spouse Resource Allowance" is a permissible interpretation of the federal Medicare Catastrophic Coverage Act of 1988.

[Swierkiewicz v. Sorema N. A.](#), 534 U. S. ____ (2002)

R024; No. 00-1853; 2/26/02. A complaint in an employment discrimination lawsuit need not contain specific facts establishing a prima facie case of discrimination under the framework set forth in *McDonnell Douglas Corp. v. Green*, 411 U. S. 792, but instead must contain only "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. Rule Civ. Proc. 8(a)(2).

[Porter v. Nussle](#), 534 U. S. ____ (2002)

R025; No. 00-853; 2/26/02. The Prison Litigation Reform Act of 1995's exhaustion-of-administrative-remedies requirement applies to all inmate suits about prison life, whether they

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involve general circumstances or particular episodes, and whether they allege corrections officers' use of excessive force or some other wrong.

[Raygor v. Regents of Univ. of Minn.](#), 534 U. S. ____ (2002)

R026; No. 00-1514; 2/27/02. Title 28 U. S. C. §1367(d), which purports to toll the statute of limitations for supplemental state-law claims while they are pending in federal court and for 30 days after they are dismissed, does not apply to claims against nonconsenting state defendants that are dismissed on Eleventh Amendment grounds.

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[New York v. FERC](#), 535 U. S. 1 (2002)

R027; No. 00-568; 3/4/02. FERC did not exceed its jurisdiction when it required electric utilities that "unbundle"-i.e., separate-transmission costs from electricity costs when billing their retail consumers to transmit competitors' electricity over their lines on the same terms that the utilities apply to their own transmissions; and FERC's decision not to impose that requirement on utilities that offer only "bundled" retail sales was a permissible policy choice.

[Young v. United States](#), 535 U. S. ____ (2002)

R028; No. 00-1567; 3/4/02. The Bankruptcy Code's lookback period, which provides that a discharge does not extinguish certain tax liabilities for which a return was due within three years before the filing of the individual debtor's petition, 11 U. S. C. §507(a)(8)(A)(i), is tolled during the pendency of a prior bankruptcy petition.

[United States v. Vonn](#), 535 U. S. ____ (2002)

R029; No. 00-973; 3/4/02. A defendant who does not object to a trial court's error under Federal Rule of Criminal Procedure 11 must satisfy Rule 52(b)'s plain-error rule in order to withdraw a guilty plea; a reviewing court may look beyond the plea colloquy to the whole record in determining whether the defendant's substantial rights were affected by the Rule 11 error.

[Ragsdale v. Wolverine World Wide, Inc.](#), 535 U. S. ____ (2002)

R030; No. 00-6029; 3/19/02. A Labor Department regulation requiring an employer to grant an additional 12 weeks of leave to an employee who has not been informed that a previous absence would be counted as part of the 12 weeks of leave guaranteed by the Family and Medical Leave Act of 1993 is contrary to the Act and beyond the Labor Secretary's authority.

[Edelman v. Lynchburg College](#), 535 U. S. ____ (2002)

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R031; No. 00-1072; 03/19/02. An Equal Employment Opportunity Commission regulation permitting an otherwise timely filer of a charge alleging job discrimination in violation of Title VII of the Civil Rights Act of 1964 to verify the charge after the time for filing it has expired is an unassailable interpretation of §706 of that Act and is therefore valid.

[Department of Housing and Urban Development v. Rucker](#), 535 U. S. ____ (2002)

R032; No. 00-1770; 3/26/02. Title 42 U. S. C. §1437d(1)(6)'s plain language unambiguously requires public housing lease terms that give local authorities the discretion to terminate the lease of a tenant when a member of the tenant's household or a guest engages in drug-related activity, regardless of whether the tenant knew, or should have known, of that activity.

[Hoffman Plastic Compounds, Inc. v. NLRB](#), 535 U. S. ____ (2002)

R033; No. 00-1595; 3/27/02. Federal immigration policy, as expressed in the Immigration Reform and Control Act of 1986, foreclosed the National Labor Relations Board from awarding backpay to an undocumented alien who was never legally authorized to work in the United States.

[Mickens v. Taylor](#), 535 U. S. ____ (2002)

R034; No. 00-9285; 3/27/02. In order to demonstrate a Sixth Amendment violation where the trial court fails to inquire into defense counsel's potential conflict of interest about which the court knew or reasonably should have known, the defendant must establish that the conflict adversely affected counsel's performance.

[Barnhart v. Walton](#), 535 U. S. ____ (2002)

R035; No. 00-1937; 3/27/02. The Social Security Administration's interpretations of the Social Security Act provisions that authorize payment of Social Security disability benefits and Supplemental Security Income to individuals who have an "inability to engage in any substantial gainful activity by reason of any medically determinable . . . impairment . . . which has lasted or can be expected to last for a continuous period of not less than 12 months," 42 U. S. C. §423(d)(1)(A); accord, §1382c(a)(3)(A), are lawful.

[Adams v. Florida Power Corp.](#), 535 U. S. ____ (2002)

R036; No. 01-584; 4/1/02. Certiorari dismissed as improvidently granted.

[Sao Paulo State of Federative Republic of Brazil v. American Tobacco Co.](#), 535 U. S. ____ (2002)

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R037; No. 01-835; 4/1/02. In this tobacco-products liability case, the District Judge, whose name appeared erroneously, prior to his appointment to the bench, on a motion to file an amicus brief in a similar suit against some of the same defendants, was not required to disqualify himself pursuant to 28 U. S. C. §455(a).

[Ashcroft v. Free Speech Coalition](#), 535 U. S. ____ (2002)

R038; No. 00-795; 04/16/02. Provisions of the Child Pornography Prevention Act of 1996 prohibiting "any visual depiction" that "is, or appears to be, of a minor engaging in sexually explicit conduct," as well as any sexually explicit image "advertised, promoted, presented, described, or distributed in such a manner that conveys the impression" it depicts a minor engaging in such conduct, are overbroad and therefore violate the First Amendment.

[United States v. Craft](#), 535 U. S. ____ (2002)

R039; No. 00-1831; 4/17/02. Michigan law gives a tenant by the entirety individual rights in the estate sufficient to constitute "property" or "rights to property" to which a federal tax lien may attach under 26 U. S. C. §6321.

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[Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency](#), 535 U. S. ____ (2002)

R040; No. 00-1167; 4/23/02. Two moratoria on development that the Tahoe Regional Planning Agency imposed while formulating a comprehensive land-use plan for the Lake Tahoe Basin did not constitute *per se* takings of property requiring compensation under the Takings Clause.

[Thompson v. Western States Medical Center](#), 535 U. S. ____ (2002)

R041; No. 01-344; 04/29/02. The prohibitions on soliciting prescriptions for, and advertising, compounded drugs that are set forth in the Food and Drug Administration Modernization Act of 1997 amount to unconstitutional restrictions on commercial speech violative of the First Amendment.

[US Airways, Inc. v. Barnett](#), 535 U. S. ____ (2002)

R042; No. 00-1250; 4/29/02. An employer's showing that an "accommodation" requested under the Americans with Disabilities Act of 1990 conflicts with seniority rules is ordinarily sufficient to show that the accommodation is not "reasonable"; but the employee remains free to show special circumstances that make a seniority rule exception reasonable in the particular case.

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[Los Angeles v. Alameda Books, Inc., 535 U. S. ____ \(2002\)](#)

R043; No. 00-799; 5/13/02. The Ninth Circuit's judgment striking down a Los Angeles ordinance banning multiple-use adult entertainment establishments under *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, is reversed, and the case is remanded.

[Verizon Communications, Inc., 535 U. S. ____ \(2002\)](#)

R044; No. 00-511; 5/13/02. The Federal Communications Commission can require state utility commissions to set the rates charged for leased telecommunications network elements on a forward-looking basis untied to the network owners' investment, and can require those owners to combine such elements upon the request of a leasing competitor that cannot do the combining itself.

[Ashcroft v. American Civil Liberties Union, 535 U. S. ____ \(2002\)](#)

R045; No. 00-1293; 5/13/02. The Child Online Protection Act's reliance on "community standards" to identify what World Wide Web material "is harmful to minors" does not by itself render the statute substantially overbroad for First Amendment purposes.

[Lapides v. Board of Regents of Univ. System of Ga., 535 U. S. ____ \(2002\)](#)

R046; No. 01-298; 5/13/02. A State waives its Eleventh Amendment immunity when it removes a case from state court to federal court.

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[United States v. Cotton, 535 U. S. ____ \(2002\)](#)

R047; No. 01-687; 5/20/02. A defective indictment does not deprive a court of jurisdiction; the omission from a federal indictment of a fact that enhances the statutory maximum sentence does not justify a court of appeals' vacating the enhanced sentence, even though the defendant did not object in the trial court.

[Verizon Md. Inc. v. Public Serv. Comm'n of Md., 535 U. S. ____ \(2002\)](#)

R048; No. 00-1531; 5/20/02. Title 28 U. S. C. §1331 provides a basis for federal-court jurisdiction over a telecommunication carrier's claim that a state public utility commission's order requiring reciprocal compensation for telephone calls to Internet service providers is pre-empted by federal law; the doctrine of *Ex parte Young*, 209 U. S. 123, permits the suit to go forward against the state commissioners in their official capacities.

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[Alabama v. Shelton](#), 535 U. S. ____ (2002)

R049; No. 00-1214 ; 05/20/02. Under *Argersinger v. Hamlin*, 407 U. S. 25, 40, a suspended sentence that may "end up in the actual deprivation of a person's liberty" may not be imposed unless the defendant was accorded "the guiding hand of counsel" in the prosecution for the crime charged.

[Mathias v. WorldCom Technologies, Inc.](#), 535 U. S. ____ (2002)

R050; No. 00-878; 05/20/02. Certiorari dismissed as improvidently granted.

[Bell v. Cone](#), 535 U. S. ____ (2002)

R051; No. 01-400; 5/28/02. Respondent's claim that his counsel rendered ineffective assistance during his sentencing hearing was governed by *Strickland v. Washington*, 466 U. S. 668, and the Tennessee Court of Criminal Appeals' rejection of his claim neither was "contrary to" nor involved "an unreasonable application of clearly established Federal law" under 28 U. S. C. §2254(d)(1).

[Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.](#), 535 U. S. ____ (2002)

R052; No. 00-1543; 5/28/02. Prosecution history estoppel may apply to any claim amendment made to satisfy the Patent Act's requirements, not just to amendments made to avoid the prior art, but estoppel need not bar suit against every equivalent to the amended claim element.

[Federal Maritime Comm'n v. South Carolina Ports Authority](#), 535 U. S. ____ (2002)

R053; No. 01-46; 5/28/02. State sovereign immunity bars the Federal Maritime Commission from adjudicating a private party's complaint against a nonconsenting State.

[Gisbrecht v. Barnhart](#), 535 U. S. ____ (2002)

R054; No. 01-131; 5/28/02. Title 42 U. S. C. §406(b) does not displace contingent-fee agreements between Social Security benefits claimants and their counsel within the ceiling set forth in §406(b)(1)(A); instead it instructs courts to review for reasonableness fees yielded by those agreements.

[SEC v. Zandford](#), 535 U. S. ____ (2002)

R055; No. 01-147; 6/3/02. Assuming that the allegations in the SEC's complaint are true, respondent's alleged fraudulent conduct-selling his customer's securities and using the proceeds for his own benefit without the customer's knowledge or consent-was "in connection with the

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purchase or sale of any security" within the meaning of §10(b) of the Securities Exchange Act of 1934 and the SEC's Rule 10b-5.

[Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.](#), 535 U. S. ____ (2002)

R056; No. 01-408; 6/3/02. The Federal Circuit cannot assert jurisdiction over a case in which the complaint does not allege a claim arising under federal patent law, but the answer contains a patent-law counterclaim.

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[Devlin v. Scardelletti](#), 536 U. S. ____ (2002)

R057; No. 01-417; 6/10/02. Nonnamed class members who have objected in a timely manner to approval of a settlement at a fairness hearing have the power to bring an appeal without first intervening in the lawsuit.

[McKune v. Lile](#), 536 U. S. ____ (2002)

R058; No. 00-1187; 6/10/02. The Tenth Circuit's judgment-that Kansas prison officials' threat to reduce respondent inmate's privilege status and transfer him to maximum security if he refused to participate in a sexual abuse treatment program constituted compelled self-incrimination violative of the Fifth Amendment-is reversed, and the case is remanded.

[Chevron U. S. A. Inc. v. Echazabal](#), 536 U. S. ____ (2002)

R059; No. 00-1406; 6/10/02. The Americans with Disabilities Act of 1990 permits an Equal Employment Opportunity Commission regulation authorizing an employer to refuse to hire a disabled individual because his performance on the job would endanger his own health.

[JPMorgan Chase Bank v. Traffic Stream \(BVI\) Infrastructure Ltd.](#), 536 U. S. ____ (2002)

R060; No. 01-651; 6/10/02. A corporation organized under the laws of the British Virgin Islands is a "citizen or subject of a foreign state" for purposes of alienage diversity jurisdiction, 28 U. S. C. §1332(a)(2).

[National Railroad Passenger Corporation v. Morgan](#), 536 U. S. ____ (2002)

R061; No. 00-1614; 6/10/02. A plaintiff raising claims of discrete discriminatory or retaliatory acts under Title VII of the Civil Rights Act of 1964 must file his charge with the Equal Employment Opportunity Commission within the appropriate 180- or 300-day statutory filing

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period, but a charge alleging a hostile work environment will not be time barred if all acts constituting the claim are part of the same unlawful practice and at least one act falls within the filing period; in neither instance is a court precluded from applying equitable doctrines that may toll or limit the time period.

[Franconia Associates v. United States](#), 536 U. S. ____ (2002)

R062; No. 01-455; 6/10/02. Because the enactment of the Emergency Low Income Housing Preservation Act of 1987 qualified as a repudiation, rather than a present breach, of the immediate-prepayment provision of petitioners' loan agreements with the Farmers Home Administration, breach would occur, and 28 U. S. C. §2501's six-year limitations period would commence to run, when a borrower tenders prepayment and the Government then dishonors its obligation to accept the tender and release its control over use of the property securing the loan.

[Watchtower Bible & Tract Soc. of N. Y., Inc. v. Village of Stratton](#), 536 U. S. ____ (2002)

R063; No. 00-1737; 6/17/02. A village ordinance making it a misdemeanor to engage in door-to-door advocacy without first registering with the mayor and receiving a permit violates the First Amendment as it applies to religious proselytizing, anonymous political speech, and the distribution of handbills.

[Barnes v. Gorman](#), 536 U. S. ____ (2002)

R064; No. 01-682; 6/17/02. Punitive damages may not be awarded in private suits brought under §202 of the Americans with Disabilities Act of 1990 and §504 of the Rehabilitation Act of 1973.

[United States v. Drayton](#), 536 U. S. ____ (2002)

R065; No. 01-631; 6/17/02. The Fourth Amendment does not require police officers to advise bus passengers of their right not to cooperate and to refuse consent to searches.

[Carey v. Saffold](#), 536 U. S. ____ (2002)

R066; No. 01-301; 6/17/02. As used in 28 U. S. C. §2244(d)(2), which tolls the limitations period for filing federal habeas petitions while a petition for state collateral relief is "pending," the term "pending" covers the time between a lower state court's decision and the filing of a notice of appeal to a higher state court; that rule applies to California's collateral review system; and the case is remanded for reconsideration of the question whether respondent's state petition was timely filed.

[United States v. Fior D'Italia, Inc.](#), 536 U. S. ____ (2002)

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R067; No. 01-463; 6/17/02. In assessing a restaurant for Federal Insurance Contribution Act taxes based upon tips that its employees may have received but did not report, the Internal Revenue Service is authorized to use an aggregate estimate of all tips that the restaurant's customers paid its employees.

[Horn v. Banks](#), 536 U. S. ____ (2002) (per curiam)

R068; No. 01-1385; 6/17/02. In addition to performing any analysis required by the Antiterrorism and Effective Death Penalty Act of 1996, a federal court considering a habeas petition must conduct a threshold *Teague v. Lane*, 489 U. S. 288, analysis when the issue is properly raised by the State.

[Gonzaga Univ. v. Doe](#), 536 U. S. ____ (2002) (per curiam)

R069; No. 01-679; 6/20/02. Respondent's action is foreclosed because the relevant provisions of the Family Educational Rights and Privacy Act of 1974 create no personal rights to enforce under 42 U. S. C. §1983.

[Atkins v. Virginia](#), 536 U. S. ____ (2002) (per curiam)

R070; No. 00-8452; 6/20/02. Executions of mentally retarded criminals are "cruel and unusual punishments" prohibited by the Eighth Amendment.

[Rush Prudential HMO, Inc. v. Moran](#), 536 U. S. ____ (2002) (per curiam)

R071; No. 00-1021; 6/20/02. The Employee Retirement Income Security Act of 1974 does not preempt §4-10 of the Illinois Health Maintenance Organization Act-which provides recipients of health coverage by an HMO with a right to independent medical review of certain benefit denials-as applied to health benefits provided by an HMO under contract with an employee welfare benefit plan.

[Christopher v. Harbury](#), 536 U. S. ____ (2002) (per curiam)

R072; No. 01-394; 6/20/02. Respondent did not state an actionable claim when she alleged that she was denied access to courts by Government officials, who intentionally deceived her in concealing information that her husband had been tortured and killed by the Guatemalan army.

[Columbus v. Ours Garage & Wrecker Service, Inc.](#), 536 U. S. ____ (2002) (per curiam)

R073; No. 01-419; 6/20/02. 49 U. S. C. §14501(c)(2)(A)-which excepts "the safety regulatory authority of a State with respect to motor vehicles" from §14501(c)(1)'s general rule preempting prescriptions by "a State [or] political subdivision of a State . . . related to a price, route, or

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service of any motor carrier . . . with respect to the transportation of property"-does not bar a State from delegating to municipalities and other local units the State's authority to establish safety regulations governing motor carriers of property, including tow trucks.

[Utah v. Evans](#), 536 U. S. ____ (2002) (per curiam)

R074; No. 01-714; 6/20/02. The Census Bureau's use of "hot-deck imputation" to fill in gaps in census information and resolve conflicts in the data does not violate 13 U. S. C. §195, which forbids use of "the statistical method known as 'sampling' " in determining population for purposes of apportioning congressional Representatives, and is not inconsistent with the Constitution's Census Clause, which requires an "actual Enumeration" of each State's population.

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[BE&K Constr. Co. v. NLRB](#), 536 U. S. ____ (2002)

R075; No. 01-518; 6/24/02. Respondent National Labor Relations Board lacked authority to find that petitioner violated federal labor law by prosecuting against respondent unions an unsuccessful lawsuit with a retaliatory motive.

[Harris v. United States](#), 536 U. S. ____ (2002)

R076; No. 00-10666; 6/24/02. Title 18 U. S. C. §924(c)(1)(A) which provides that a person who uses or carries a firearm in relation to a drug trafficking crime shall have the minimum sentence for the underlying crime increased as specified in three subsections defines a single offense, in which the brandishing and discharging of a weapon are sentencing factors to be found by the judge, not offense elements to be found by the jury; §924(c)(1)(A)(ii) which increases the minimum sentence by two years upon a judicial finding of brandishing is constitutional.

[Ring v. Arizona](#), 536 U. S. ____ (2002)

R077; No. 01-488; 6/24/02. *Walton v. Arizona*, 497 U. S. 639, is irreconcilable with *Apprendi v. New Jersey*, 530 U. S. 466, and is, accordingly, overruled to the extent that it allows a sentencing judge, sitting without a jury, to find an aggravating circumstance necessary for imposition of the death penalty, see 497 U. S., at 647-649. Because Arizona's enumerated aggravating factors operate as "the functional equivalent of an element of a greater offense," *Apprendi*, 530 U. S., at 494, n. 19, the Sixth Amendment requires that they be found by a jury.

[United States v. Ruiz](#), 536 U. S. ____ (2002)

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R078; No. 01-595; 6/24/02. The Fifth and Sixth Amendments do not require the Government to disclose material impeachment evidence prior to entering a plea agreement with a criminal defendant.

[Kirk v. Louisiana](#), 536 U. S. ____ (2002)

R079; No. 01-8419; 6/24/02. The Louisiana Court of Appeal's conclusion that exigent circumstances were not required to justify police officers' warrantless entry of petitioner's home and their arrest and search of petitioner violated *Payton v. New York*, 445 U. S. 573, 590.

[Zelman v. Simmons-Harris](#), 536 U. S. ____ (2002)

R080; No. 00-1751; 6/27/02. Ohio's Pilot Project Scholarship Program, which provides, inter alia, tuition aid for Cleveland schoolchildren to attend a participating public or private, religious or nonreligious, school of their parent's choosing, does not offend the Establishment Clause.

[Hope v. Pelzer](#), 536 U. S. ____ (2002)

R081; No. 01-309; 6/27/02. Respondent Alabama prison guards were not entitled to qualified immunity at the summary judgment phase where reasonable officers would have known that using a hitching post to punish a prisoner under the circumstances alleged by petitioner inmate violated the Eighth Amendment prohibition against cruel and unusual punishment.

[Republican Party of Minn. v. White](#), 536 U. S. ____ (2002)

R082; No. 01-521; 6/27/02. The Minnesota Supreme Court's canon of judicial conduct prohibiting candidates for judicial election from announcing their views on disputed legal and political issues violates the First Amendment.

[Board of Ed. of Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls](#), 536 U. S. ____ (2002)

R083; No. 01-332; 6/27/02. Petitioner school district's drug testing policy for students participating in extracurricular activities is a reasonable means of furthering the district's important interest in preventing and deterring drug use among its schoolchildren and does not violate the Fourth Amendment.

[Stewart v. Smith](#), 532 U. S. ____ (2002) (per curiam)

R084; No. 01-339; 6/28/02. Because the Arizona Superior Court's determination that respondent waived his ineffective-assistance-of-counsel claim under Ariz. Rule Crim. Proc. 32.2(a)(3) did

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not require an examination of the merits of that claim, it was independent of federal law and thus not reviewable on federal habeas.

United States v. Bass, 536 U. S. ____ (2002) (per curiam)

R085; No. 01-1471; 6/28/02. Because respondent failed to submit relevant evidence that the Government did not seek the death penalty for similarly situated persons of a different race, he was not entitled to discovery of information relating to the Government's capital charging practices under *United States v. Armstrong*, 517 U. S. 456.