

## OT 02 Case Summaries

### 537 U. S., Part 1

[Ford Motor Co. v. McCauley](#), 537 U. S. \_\_\_\_ (2002)

R001; No. 01-896; 10/15/02. Certiorari dismissed as improvidently granted.

[Early v. Packer](#), 537 U. S. \_\_\_\_ (2002) (per curiam)

R002; No. 01-1765; 11/4/02. The Ninth Circuit's grant of habeas relief to respondent after concluding that the state trial judge coerced the jury's verdict exceeds the limits 28 U. S. C. §2254(d) imposes on federal habeas review.

[INS v. Orlando Ventura](#), 537 U. S. \_\_\_\_ (2002) (per curiam)

R003; No. 02-29; 11/4/02. Well-established administrative-law principles required the Ninth Circuit to remand to the Board of Immigration Appeals the question whether respondent failed to qualify for political asylum because conditions in his native land had so improved that there was currently no realistic threat of persecution.

[Woodford v. Visciotti](#), 537 U. S. \_\_\_\_ (2002) (per curiam)

R004; No. 02-137; 11/4/02. The Ninth Circuit's decision that respondent was prejudiced by trial counsel's ineffective assistance exceeds the limits 28 U. S. C. §2254(d) imposes on federal habeas review.

[Syngenta Crop Protection, Inc. v. Henson](#), 537 U. S. \_\_\_\_ (2002)

R005; No. 01-757; 11/5/02. The All Writs Act does not furnish removal jurisdiction; that Act, alone or in combination with the existence of ancillary enforcement jurisdiction, is not a substitute for 28 U. S. C. §1441's requirement that a federal court have original jurisdiction over an action in order for it to be removed from a state court.

[Yellow Transp., Inc. v. Michigan](#), 537 U. S. \_\_\_\_ (2002)

R006; No. 01-270; 11/5/02. The Michigan Supreme Court erred in holding that, under 49 U. S. C. §14504(c)(2)(B)(iv)(III), only a State's "generic" interstate motor carrier registration fee is relevant to determining the fee that was "collected or charged as of November 15, 1991." States may not renounce or modify a reciprocity agreement with another State so as to alter any fee charged or collected as of that date.

[Sprietsma v. Mercury Marine](#), 537 U. S. \_\_\_\_ (2002)

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R007; No. 01-706; 12/3/02. A state common-law tort action seeking damages from the manufacturer of an outboard motor is not pre-empted by the enactment of the Federal Boat Safety Act of 1971 or by the Coast Guard's decision not to promulgate a regulation requiring propeller guards on motorboats.

[United States v. Bean](#), 537 U. S. \_\_\_\_ (2002)

R008; No. 01-704; 12/10/02. The absence of an actual denial by the Bureau of Alcohol, Tobacco, and Firearms of a felon's petition for relief from firearms disabilities precludes judicial review under 18 U. S. C. §925(c).

[Howsam v. Dean Witter Reynolds, Inc.](#), 537 U. S. \_\_\_\_ (2002)

R009; No. 01-800; 12/10/02. A National Association of Securities Dealers arbitrator, rather than a court, should apply the NASD Code of Arbitration Procedure's time limit rule to a client's dispute with a broker.

[Abdur'Rahman v. Bell](#), 537 U. S. \_\_\_\_ (2002)

R010; No. 01-9094; 12/10/02. Certiorari dismissed as improvidently granted.

[Borden Ranch Partnership v. Army Corps of Engineers](#), 537 U. S. \_\_\_\_ (2002)

R011; No. 01-1243; 12/16/02. Judgment affirmed by an equally divided Court.

[Sattazahn v. Pennsylvania](#), 537 U. S. \_\_\_\_ (2003)

R012; No. 01-7574; 01/14/03. Neither the Fifth Amendment's Double Jeopardy Clause nor the Fourteenth Amendment's Due Process Clause barred Pennsylvania from seeking the death penalty against petitioner on retrial when he was given a life sentence at his first trial.

[Pierce County v. Guillen](#), 537 U. S. \_\_\_\_ (2003)

R013; No. 01-1229; 01/14/03. Both the original 23 U. S. C. §409 and a 1995 amendment, which together protect information "compiled or collected" in connection with certain federal highway safety programs from being discovered or admitted in certain federal or state trials, fall within Congress' Commerce Clause power.

### 537 U. S., Part 2

[Barnhart v. Peabody Coal Co.](#), 537 U. S. \_\_\_\_ (2003)

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R014; No. 01-705; 1/15/03. Although the Coal Industry Retiree Health Benefit Act of 1992 provides that the Commissioner of Social Security "shall, before October 1, 1993," assign each coal industry retiree eligible for benefits to an extant operator or related entity, initial assignments made after that date are valid despite their untimeliness.

*Eldred v. Ashcroft*, 537 U. S. \_\_\_\_ (2003)

R015; No. 01-618; 1/15/03. The Copyright Term Extension Act, which enlarges the duration of existing and future copyrights by 20 years, does not exceed Congress' power under the Constitution's Copyright Clause and does not violate the First Amendment.

*United States v. Jimenez Recio*, 537 U. S. \_\_\_\_ (2003)

R016; No. 01-1184; 1/21/03. A conspiracy does not automatically terminate simply because the Government has defeated its object.

*Meyer v. Holley*, 537 U. S. \_\_\_\_ (2003)

R017; No. 01-1120; 1/22/03. The Fair Housing Act imposes liability without fault upon a corporate employer in accordance with traditional agency principles, i.e., it normally imposes vicarious liability upon the corporation but not upon its officers or owners.

*FCC v. NextWave Personal Communications Inc.*, 537 U. S. \_\_\_\_ (2003)

R018; No. 01-653; 1/27/03. Section 525 of the Bankruptcy Code prohibits the Federal Communications Commission from revoking licenses held by a bankruptcy debtor upon the debtor's failure to make timely payments to the FCC for purchase of the licenses.

*Miller-El v. Cockrell*, 537 U. S. \_\_\_\_ (2003)

R019; No. 01-7662; 2/25/03. The Fifth Circuit erred when it declined to issue a certificate of appealability to review the District Court's denial of habeas relief to petitioner.

*Washington State Dept. of Social and Health Servs. v. Guardianship Estate of Keffeler*, 537 U. S. \_\_\_\_ (2003)

R020; No. 01-1420; 2/25/03. Washington State's use of respondent foster children's Social Security benefits to reimburse the State for expenses in caring for respondents did not violate 42 U. S. C. §407(a).

*Scheidler v. National Organization for Women, Inc.*, 537 U. S. \_\_\_\_ (2003)

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R021; No. 01-1118; 2/26/03. Because all of the predicate acts supporting the jury's finding of a violation of the Racketeer Influenced and Corrupt Organizations Act must be reversed, the Seventh Circuit's decision that petitioner protesters' activities at abortion clinics violated RICO must also be reversed.

[Moseley v. V Secret Catalogue, Inc.](#), 537 U. S. \_\_\_\_ (2003)

R022; No. 01-1015; 3/4/03. The Federal Trademark Dilution Act requires proof of actual dilution; the evidence in this case is insufficient to support summary judgment for respondents on the dilution count.

[Boeing Co. v. United States](#), 537 U. S. \_\_\_\_ (2003)

R023; No. 01-1209; 3/4/03. Title 26 CFR §1.861-8(e)(3) (1979)-which governs allocation of research and development expenses in computing taxable income from export sales entitled to special tax treatment under Internal Revenue Code provisions pertaining to "domestic international sales corporations" and "foreign sales corporations"-is a proper exercise of the Secretary of the Treasury's rulemaking authority.

[United States v. White Mountain Apache Tribe](#), 537 U. S. \_\_\_\_ (2003)

R024; No. 01-1067; 3/4/03. Public Law 86-392 gives rise to Indian Tucker Act jurisdiction in the Court of Federal Claims over respondent Tribe's suit for money damages against the United States for breach of a fiduciary duty to manage Fort Apache land and improvements held in trust for the Tribe but occupied by the Government.

[United States v. Navajo Nation](#), 537 U. S. \_\_\_\_ (2003)

R025; No. 01-1375; 3/4/03. Under *United States v. Mitchell*, 445 U. S. 535, and *United States v. Mitchell*, 463 U. S. 206, the Navajo Tribe's claim for compensation from the Government based on the Interior Secretary's actions with respect to a coal lease between the Tribe and a private lessee fails, for it does not derive from any liability-imposing provision of the Indian Mineral Leasing Act of 1938 or its implementing regulations.

[Clay v. United States](#), 537 U. S. \_\_\_\_ (2003)

R026; No. 01-1500; 3/4/03. For the purpose of starting the clock on the 1-year limitation period for federal prisoners to file habeas corpus petitions pursuant to 28 U. S. C. §2255, a judgment of conviction becomes final when the time expires for filing a certiorari petition contesting the appellate court's affirmation of the conviction.

### 538 U. S., Part 1

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[Connecticut Dept. of Public Safety v. Doe, 538 U. S. 1 \(2003\)](#)

R027; No. 01-1231; 3/5/03. The Second Circuit's judgment enjoining the public disclosure provisions of Connecticut's "Megan's Law" must be reversed because due process does not require the opportunity to prove a fact, here, current dangerousness, that is not material to the State's statutory scheme.

[Ewing v. California, 538 U. S. \\_\\_\\_\\_ \(2003\)](#)

R028; No. 01-6978; 3/5/03. The California Court of Appeal's decision that Ewing's sentence under the State's three strikes law is not grossly disproportionate under the Eighth Amendment's prohibition on cruel and unusual punishments is affirmed.

[Lockyer v. Andrade, 538 U. S. \\_\\_\\_\\_ \(2003\)](#)

R029; No. 01-1127; 3/5/03. The Ninth Circuit erred in ruling that the California Court of Appeal's decision affirming Andrade's sentence for a "third strike" conviction is contrary to, or an unreasonable application of, this Court's clearly established law within the meaning of 28 U. S. C. §2254(d)(1).

[Smith v. Doe, 538 U. S. \\_\\_\\_\\_ \(2003\)](#)

R030; No. 01-729; 3/5/03. Because Alaska's "Megan's Law" is nonpunitive, its retroactive application does not violate the Ex Post Facto Clause.

[Cook County v. United States ex rel. Chandler, 538 U. S. \\_\\_\\_\\_ \(2003\)](#)

R031; No. 01-1572; 3/10/03. Local governments are "persons" amenable to qui tam actions under the federal False Claims Act.

[Norfolk & Western R. Co. v. Ayers, 538 U. S. \\_\\_\\_\\_ \(2003\)](#)

R032; No. 01-963; 3/10/03. Mental anguish damages resulting from the fear of developing cancer may be recovered under the Federal Employers' Liability Act by a railroad worker suffering from the actionable injury asbestosis caused by work-related exposure to asbestos; the FELA's express terms, reinforced by consistent judicial applications of the Act, allow such a worker to recover his entire damages from a railroad whose negligence jointly caused his injury, thus placing on the railroad the burden of seeking contribution from other potential tortfeasors.

[Cuyahoga Falls v. Buckeye Community Hope Foundation, 538 U. S. \\_\\_\\_\\_ \(2003\)](#)

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R033; No. 01-1269; 3/25/03. Respondents have presented no genuine issues of material fact with regard to whether Cuyahoga Falls violated the Equal Protection and Due Process Clauses by submitting to voters a facially neutral referendum petition calling for the repeal of a municipal ordinance authorizing construction of a low-income housing complex.

[Woodford v. Garceau](#), 538 U. S. \_\_\_\_ (2003)

R034; No. 01-1862; 3/25/03. For purposes of applying the rule in *Lindh v. Murphy*, 521 U. S. 320, a case does not become "pending" until an actual application for habeas relief is filed in federal court; respondent's application is subject to the Antiterrorism and Effective Death Penalty Act of 1996 because it was not filed until after AEDPA's effective date.

[Brown v. Legal Foundation of Wash.](#), 538 U. S. \_\_\_\_ (2003)

R035; No. 01-1325; 3/26/03. Interest earned on client funds deposited in IOLTA accounts that is transferred to a different owner for a legitimate public use may constitute a per se taking requiring "just compensation" to the client under the Fifth Amendment; but because such compensation is measured by the owner's pecuniary interest, which is zero whenever Washington's IOLTA law is obeyed, there is no violation of the Just Compensation Clause here.

[Branch v. Smith](#), 538 U. S. \_\_\_\_ (2003)

R036; No. 01-1437; 3/31/03. The Federal District Court properly enjoined a Mississippi state court's proposed congressional redistricting plan and fashioned its own plan under 2 U. S. C. §2c.

[Archer v. Warner](#), 538 U. S. \_\_\_\_ (2003)

R037; No. 01-1418; 3/31/03. A debt for money promised in a settlement agreement accompanied by the release of underlying tort claims can amount to a debt for money obtained by fraud, within the terms of 11 U. S. C. §523(a)(2)(A), the Bankruptcy Code's nondischargeability provision.

### 538 U. S., Part 2

[Kentucky Assn. of Health Plans, Inc. v. Miller](#), 538 U. S. \_\_\_\_ (2003)

R038; No. 00-1471; 4/02/03. Kentucky's "Any Willing Provider" statutes are "law[s] . . . which regulat[e] insurance" under 29 U. S. C. §1144(b)(2)(A) and are therefore saved from pre-emption by the Employee Retirement Income Security Act of 1974.

[Virginia v. Black](#), 538 U. S. \_\_\_\_ (2003)

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R039; No. 01-1107; 4/7/03. A State, consistent with the First Amendment, may ban cross burning carried out with the intent to intimidate; the judgment of the Virginia Supreme Court invalidating respondents' convictions for violating the Commonwealth's cross-burning statute is affirmed as to respondent Black, but vacated and remanded with respect to respondents Elliott and O'Mara.

[PacifiCare Health Systems, Inc. v. Book](#), 538 U. S. \_\_\_\_ (2003)

R040; No. 02-215; 4/7/03. Because it is unclear whether the parties' arbitration agreements actually prevent an arbitrator from awarding treble damages under the Racketeer Influenced and Corrupt Organizations Act, it would be premature for the Court to address the questions whether the agreements are unenforceable and whether it is for courts or arbitrators to decide enforceability in the first instance; the proper course is to compel arbitration.

[State Farm Mut. Automobile Ins. Co. v. Campbell](#), 538 U. S. \_\_\_\_ (2003)

R041; No. 01-1289; 4/7/03. A punitive damages award of \$145 million, where full compensatory damages are \$1 million, is excessive and violates the Due Process Clause of the Fourteenth Amendment.

[Clackamas Gastroenterology Associates, P. C. v. Wells](#), 538 U. S. \_\_\_\_ (2003)

R042; No. 01-1435; 4/22/03. The common-law element of control is the principal guidepost to be followed in deciding whether a professional corporation's physician-shareholders are "employees" under the Americans with Disabilities Act of 1990; the case is remanded for a determination whether, under this standard, the physicians in this case are petitioner clinic's employees.

[Jinks v. Richland County](#), 538 U. S. \_\_\_\_ (2003)

R043; No. 02-258; 4/22/03. Title 28 U. S. C. §1367(d), which requires the state statute of limitations to be tolled while a state-law cause of action is pending as a supplemental claim in federal court, is constitutional as applied to claims brought against a State's political subdivisions.

[Dole Food Co. v. Patrickson](#), 538 U. S. \_\_\_\_ (2003)

R044; No. 01-593; 4/22/03. The writ of certiorari is dismissed in No. 01-593; a foreign state must itself own a majority of a corporation's shares if the corporation is to be deemed an instrumentality of the state under the Foreign Sovereign Immunities Act of 1976; instrumentality status is determined at the time of the filing of the complaint.

[Franchise Tax Bd. of Cal. v. Hyatt](#), 538 U. S. \_\_\_\_ (2003)

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R045; No. 02-42; 4/23/03. The Full Faith and Credit Clause, U. S. Const., Art. IV, §1, does not require Nevada to give full faith and credit to California's statutes providing its tax agency with immunity from suit.

[Massaro v. United States](#), 538 U. S. \_\_\_\_ (2003)

R046; No. 01-1559; 4/23/03. An ineffective-assistance-of-counsel claim may be brought in a collateral proceeding under 28 U. S. C. §2255, whether or not the petitioner could have raised the claim on direct appeal.

[Demore v. Kim](#), 538 U. S. \_\_\_\_ (2003)

R047; No. 01-1491; 4/29/03. Congress, justifiably concerned with evidence that deportable criminal aliens who are not detained continue to engage in crime and fail to appear for their removal hearings in large numbers, may require that persons such as respondent be detained for the brief period necessary for their removal proceedings; thus, 8 U. S. C. §1226(e) does not violate the Fifth Amendment's Due Process Clause.

[Roell v. Withrow](#), 538 U. S. \_\_\_\_ (2003)

R048; No. 02-69; 4/29/03. Consent to a magistrate judge's designation to preside in a case can be inferred from a party's conduct during litigation; petitioners' general appearances before the Magistrate Judge, after they had been told of their right to be tried by a district judge, supplies the "consent" necessary for the Magistrate's "civil jurisdiction" under 28 U. S. C. §636(c)(1).

[Illinois ex rel. Madigan v. Telemarketing Associates, Inc.](#), 538 U. S. \_\_\_\_ (2003)

R049; No. 01-1806; 5/5/03. Consistent with *Schaumburg v. Citizens for a Better Environment*, 444 U. S. 620, *Secretary of State of Md. v. Joseph H. Munson Co.*, 467 U. S. 947, *Riley v. National Federation of Blind of N. C., Inc.*, 487 U. S. 781, and the First Amendment, States may maintain fraud actions when charitable fundraisers make false or misleading representations designed to deceive donors about how their donations will be used.

[Kaupp v. Texas](#), 538 U. S. \_\_\_\_ (2003) (per curiam)

R050; No. 02-5636; 5/5/03. Kaupp's illegal arrest requires suppression of his subsequent murder confession because the confession was not an act of free will sufficient to purge the primary taint of the unlawful arrest.

[Price v. Vincent](#), 538 U. S. \_\_\_\_ (2003)

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R051; No. 02-524; 5/19/03. Respondent did not meet 28 U. S. C. §2254(d)'s requirements for habeas corpus relief from his first-degree murder conviction.

[Pharmaceutical Research and Mfrs. of America v. Walsh](#), 538 U. S. \_\_\_\_ (2003)

R052; No. 01-188; 5/19/03. The First Circuit's judgment vacating a preliminary injunction that prevented implementation of the Maine Rx Program-whose purpose is to reduce prescription drug prices for state residents, and which provides that if a drug manufacturer does not enter into a rebate agreement with the State, its Medicaid sales will be subjected to a prior authorization program requiring state approval to qualify a doctor's prescription for reimbursement-is affirmed.

[Breuer v. Jim's Concrete of Brevard, Inc.](#), 538 U. S. \_\_\_\_ (2003)

R053; No. 02-337; 5/19/03. The provision of the Fair Labor Standards Act of 1938 specifying that suit under the Act "may be maintained . . . in any Federal or State court of competent jurisdiction," 29 U. S. C. §216(b), does not bar removal of such a suit from state to federal court.

[Inyo County v. Paiute-Shoshone Indians of Bishop Community of Bishop Colony](#), 538 U. S. \_\_\_\_ (2003)

R054; No. 02-281; 5/19/03. Respondent Tribe is not a "person" who can sue under 42 U. S. C. §1983 to vindicate its status as a sovereign immune from a state court search warrant authorizing seizure of tribal records.

[Los Angeles v. David](#), 538 U. S. \_\_\_\_ (2003) (per curiam)

R055; No. 02-1212; 5/19/03. The Due Process Clause does not prohibit Los Angeles from imposing a 30-day delay when holding hearings to consider claims for reimbursement of automobile impoundment or towing fees.

[Kansas v. Nebraska](#), 538 U. S. \_\_\_\_ (2003)

R056; No. 126, Orig.; 5/19/03. The final settlement stipulation executed by the parties to this original case is approved, the action is recommitted to the Special Master to decide certain procedural questions, and all claims brought in this case are dismissed with prejudice effective upon the filing by the Special Master of a final report.

[Nevada Dept. of Human Resources v. Hibbs](#), 538 U. S. \_\_\_\_ (2003)

R057; No. 01-1368; 5/27/03. State employees may recover money damages in federal court in the event of the State's failure to comply with the family-care provision of the federal Family and Medical Leave Act of 1993.

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[Chavez v. Martinez](#), 538 U. S. \_\_\_\_ (2003)

R058; No. 01-1444; 5/27/03. The Ninth Circuit's judgment that Chavez is not entitled to qualified immunity is reversed, and the issue whether Martinez may pursue a claim of liability for a substantive due process violation based on a police interrogation that occurred while he was being treated for a gunshot wound should be addressed on remand.

[National Park Hospitality Assn. v. Department of Interior](#), 538 U. S. \_\_\_\_ (2003)

R059; No. 02-196; 05/27/03. The controversy over whether the Contract Disputes Act of 1978 applies to concession contracts in national parks is not yet ripe for judicial resolution.

[Black & Decker Disability Plan v. Nord](#), 538 U. S. \_\_\_\_ (2003)

R060; No. 02-469; 5/27/03. The Employee Retirement Income Security Act of 1974 does not require plan administrators making the determination whether a claimant is entitled to disability benefits to accord special deference to the opinions of the claimant's treating physicians.

[Bunkley v. Florida](#), 538 U. S. \_\_\_\_ (2003) (per curiam)

R061; No. 02-8636; 5/27/03. The case is remanded so that the Florida Supreme Court may determine whether the "common pocketknife" exception to Florida's definition of a "weapon" encompassed petitioner's pocketknife at the time his conviction became final.

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[Beneficial Nat. Bank v. Anderson](#), 539 U. S. 1 (2003)

R062; No. 02-306; 6/2/03. A usury cause of action against a national bank arises only under federal law and can, therefore, be removed to federal court.

[Dastar Corp. v. Twentieth Century Fox Film Corp.](#), 539 U. S. \_\_\_\_ (2003)

R063; No. 02-428; 6/2/03. Section 43(a) of the Lanham Act-which prohibits a "false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which . . . is likely to cause confusion . . . as to the origin . . . of . . . goods," 15 U. S. C. §1125(a)-does not prevent the unaccredited copying of an uncopyrighted work.

[Entergy La., Inc. v. Louisiana Pub. Serv. Comm'n](#), 539 U. S. \_\_\_\_ (2003)

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R064; No. 02-299; 6/2/03. A Louisiana Public Service Commission order adjudging imprudent costs allocated in a tariff approved by the Federal Energy Regulatory Commission is pre-empted.

[Citizens Bank v. Alafabco, Inc.](#), 539 U. S. \_\_\_\_ (2003) (per curiam)

R065; No. 02-1295; 6/2/03. There is a sufficient nexus with interstate commerce to make enforceable, pursuant to the Federal Arbitration Act, an arbitration provision included in the parties' debt-restructuring agreement.

[Hillside Dairy Inc. v. Lyons](#), 539 U. S. \_\_\_\_ (2003)

R066; No. 01-950; 6/9/03. The Ninth Circuit erred in holding that California's milk pricing and pooling regulations are exempted from Commerce Clause scrutiny by §144 of the Federal Agriculture and Reform Act of 1996, 7 U. S. C. §7254 and that court's rejection of the individual petitioners' Privileges and Immunities Clause claims is inconsistent with *Chalker v. Birmingham & Northwestern R. Co.*, 249 U. S. 522, 527.

[Nguyen v. United States](#), 539 U. S. \_\_\_\_ (2003)

R067; No. 01-10873; 6/9/03. A Ninth Circuit panel consisting of two Article III judges and one Article IV judge did not have the authority to decide petitioners' appeals.

[Desert Palace, Inc. v. Costa](#), 539 U. S. \_\_\_\_ (2003)

R068; No. 02-679; 6/9/03. Direct evidence of discrimination is not required for a plaintiff to obtain a mixed-motive jury instruction under Title VII of the Civil Rights Act of 1964.

[Fitzgerald v. Racing Assn. of Central Iowa](#), 539 U. S. \_\_\_\_ (2003)

R069; No. 02-695; 6/9/03. This Court has jurisdiction to review the Iowa Supreme Court's judgment, which does not rest independently on state law; Iowa's differential tax rate for river boat and racetrack slot machine adjusted revenues does not violate the Federal Equal Protection Clause.

[Dow Chemical Co. v. Stephenson](#), 539 U. S. \_\_\_\_ (2003) (per curiam)

R070; No. 02-271; 6/9/03. With respect to respondents Isaacson, the judgment is vacated and the case is remanded for consideration in light of *Syngenta Crop Protection, Inc. v. Henson*, 537 U. S. 28; with respect to respondents Stephenson, the judgment is affirmed by an equally divided Court.

[Virginia v. Hicks](#), 539 U. S. \_\_\_\_ (2003)

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R071; No. 02-371; 6/16/03. The Richmond Redevelopment and Housing Authority's trespass policy at a low-income housing development is not facially invalid under the First Amendment's overbreadth doctrine.

[Overton v. Bazzetta](#), 539 U. S. \_\_\_\_ (2003)

R072; No. 02-94; 6/16/03. Michigan regulations that restrict visits with prison inmates bear a rational relation to legitimate penological interests sufficient to sustain them regardless of whether respondent prisoners have a constitutional right of association that survives incarceration; the regulation that bars visitation for inmates with two substance-abuse violations is not a cruel and unusual confinement condition violating the Eighth Amendment.

[Federal Election Comm'n v. Beaumont](#), 539 U. S. \_\_\_\_ (2003)

R073; No. 02-403; 6/16/03. A federal law that bars corporations from contributing directly to candidates for federal office is consistent with the First Amendment when applied to nonprofit advocacy corporations.

[Sell v. United States](#), 539 U. S. \_\_\_\_ (2003)

R074; No. 02-5664; 6/16/03. The Eighth Circuit erred in approving forced medication solely to render Sell competent to stand trial.

[United States v. American Library Assn., Inc.](#), 539 U. S. \_\_\_\_ (2003)

R075; No. 02-361; 6/23/03. The District Court's judgment-that the filtering software provisions of the Children's Internet Protection Act exceed Congress' authority under the Spending Clause because any public library that complies with those provisions will necessarily violate the First Amendment-is reversed.

[Gratz v. Bollinger](#), 539 U. S. \_\_\_\_ (2003)

R076; No. 02-516; 6/23/03. Because the University of Michigan's use of race in its current freshman admissions policy is not narrowly tailored to achieve its asserted interest in diversity, the policy violates the Equal Protection Clause, Title VI of the Civil Rights Act of 1964, and 42 U. S. C. §1981.

[Grutter v. Bollinger](#), 539 U. S. \_\_\_\_ (2003)

R077; No. 02-241; 6/23/03. The University of Michigan Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits

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that flow from a diverse student body is not prohibited by the Equal Protection Clause, Title VI of the Civil Rights Act of 1964, or 42 U. S. C. §1981.

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[American Ins. Assn. v. Garamendi](#), 539 U. S. \_\_\_\_ (2003)

R078; No. 02-722; 6/23/03. California's Holocaust Victim Insurance Relief Act of 1999 interferes with the President's conduct of the Nation's foreign policy and is therefore preempted.

[Green Tree Financial Corp. v. Bazzle](#), 539 U. S. \_\_\_\_ (2003)

R079; No. 02-634; 6/23/03. The South Carolina Supreme Court's judgment-that the parties' contracts, which are governed by the Federal Arbitration Act and South Carolina law, permit class arbitration-is vacated and the case is remanded.

[Georgia v. Ashcroft](#), 539 U. S. \_\_\_\_ (2003)

R080; No. 02-182; 6/26/03. The District Court failed to consider all the relevant factors when it determined that Georgia's State Senate redistricting plan was not entitled to preclearance because it resulted in a retrogression of black voters' effective exercise of the electoral franchise in violation of §5 of the Voting Rights Act of 1965.

[Wiggins v. Smith](#), 539 U. S. \_\_\_\_ (2003)

R081; No. 02-311; 6/26/03. The performance of Wiggins' trial attorneys at his sentencing hearing violated his Sixth Amendment right to effective assistance of counsel.

[Lawrence v. Texas](#), 539 U. S. \_\_\_\_ (2003)

R082; No. 02-102; 6/26/03. The Texas statute making it a crime for two persons of the same sex to engage in certain intimate sexual conduct violates the Due Process Clause of the Fourteenth Amendment.

[Stogner v. California](#), 539 U. S. \_\_\_\_ (2003)

R083; No. 01-1757; 6/26/03. A law enacted after expiration of a previously applicable limitations period violates the Ex Post Facto Clause when it is applied to revive a previously time-barred prosecution.

[Nike, Inc. v. Kasky](#), 539 U. S. \_\_\_\_ (2003)

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R084; No. 02-575; 6/26/03. Certiorari dismissed as improvidently granted.