

## OT 06 Case Summaries

### 549 U. S., Part 1

[Purcell v. Gonzalez](#), 549 U. S. 1 (2006) (*per curiam*)

R001; No. 06A375; 10/20/06. Ninth Circuit's order enjoining operation of Arizona's voter identification rules just weeks before an election is vacated and the cases are remanded.

[Ayers v. Belmontes](#), 549 U. S. \_\_\_ (2006)

R002; No. 05-493; 11/13/06. California's "factor (k)" jury instruction is consistent with the constitutional right to present mitigating evidence in capital sentencing proceedings.

[Lopez v. Gonzales](#), 549 U. S. \_\_\_ (2006)

R003; No. 05-547; 12/05/06. Conduct made a felony under state law but a misdemeanor under the federal Controlled Substances Act (CSA) is not a "felony punishable under the [CSA]" for immigration law purposes, and thus does not disqualify Lopez, a deported alien, from eligibility for discretionary cancellation of removal by the Attorney General.

[Toledo-Flores v. United States](#), 549 U. S. \_\_\_ (2006)

R004; No. 05-7664; 12/05/06. Certiorari dismissed as improvidently granted.

[Carey v. Musladin](#), 549 U. S. \_\_\_ (2006)

R005; No. 05-785; 12/11/06. Because the effect on a defendant's fair-trial rights of a victim's family sitting in the spectators' gallery at trial wearing buttons displaying the victim's image is an open question in this Court's jurisprudence, the Ninth Circuit improperly concluded that the California Court of Appeal's decision to uphold Musladin's conviction was contrary to or an unreasonable application of clearly established federal law as determined by this Court.

[BP America Production Co. v. Burton](#), 549 U. S. \_\_\_ (2006)

R006; No. 05-669; 12/11/06. Title 28 U. S. C. §2415(a)'s 6-year statute of limitations applies only to court actions, not to the administrative payment orders involved in this case.

[United States v. Resendiz-Ponce](#), 549 U. S. \_\_\_ (2007)

R007; No. 05-998; 1/9/07. Respondent's indictment for violating 8 U. S. C. §1326(a) by attempting to reenter the United States after having been deported was not defective, and, thus, this Court need not reach the issue whether the asserted defect was subject to harmless-error review.

## OT 06 Case Summaries

[MedImmune, Inc. v. Genentech, Inc.](#), 549 U. S. \_\_\_\_ (2007)

R008; No. 05-608; 1/9/07. The Federal Circuit erred in affirming the dismissal of petitioner's declaratory-judgment action for lack of subject-matter jurisdiction based on Circuit precedent holding that a patent licensee in good standing cannot establish an Article III case or controversy with regard to the patent's validity, enforceability, or scope.

[Burton v. Stewart](#), 549 U. S. \_\_\_\_ (2007) (*per curiam*)

R009; No. 05-9222; 1/9/07. Because Burton did not seek or obtain an order from the Court of Appeals authorizing him to file a "second or successive" habeas petition, as required by 28 U. S. C. §2244(b)(3), the District Court never had jurisdiction to consider his petition challenging the constitutionality of his sentence.

[Norfolk Southern R. Co. v. Sorrell](#), 549 U. S. \_\_\_\_ (2007) (*per curiam*)

R010; No. 05-746; 1/10/07. The same causation standard applies to railroad negligence under Section 1 of the Federal Employers' Liability Act as to employee contributory negligence under Section 3.

[Gonzales v. Duenas-Alvarez](#), 549 U. S. \_\_\_\_ (2007) (*per curiam*)

R011; No. 05-1629; 1/17/07. Title 8 U. S. C. §1101(a)(43)(G)'s term "theft offense," conviction of which warrants an alien's removal from the United States, §1227(a)(2)(A), includes the crime of "aiding and abetting" a theft offense.

[Jones v. Bock](#), 549 U. S. \_\_\_\_ (2007)

R012; No. 05-7058; 1/22/07. Sixth Circuit rules implementing the Prison Litigation Reform Act of 1995's exhaustion of administrative remedies requirement and facilitating early screening of prisoner federal-court suits are not required by the PLRA; crafting and imposing such rules exceeds the proper limits of the judicial role.

[Osborn v. Haley](#), 549 U. S. \_\_\_\_ (2007)

R013; No. 05-593; 1/22/07. Under the Westfall Act, once the Attorney General certifies that a federal official sued in a state court was acting in the scope of his employment, the United States is substituted as defendant, and the case is removed to federal court, exclusive competence to adjudicate the case resides in the federal court, and that court may not remand the suit to the state court; Westfall Act certification is proper when a federal officer charged with misconduct asserts, and the Attorney General determines, that the incident or episode in suit never occurred.

## OT 06 Case Summaries

[Cunningham v. California](#), 549 U. S. \_\_\_ (2007)

R014; No. 05-6551; 1/22/07. California's determinate sentencing law, by placing sentence-elevating factfinding within the judge's province, violates a defendant's right to trial by jury safeguarded by the Sixth and Fourteenth Amendments.

### 549 U. S., Part 2

[Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.](#), 549 U. S. \_\_\_ (2007)

R015; No. 05-381; 02/20/07. The test applied to predatory-pricing claims in *Brooke Group Ltd. v. Brown & Williamson Tobacco Corp.*, 509 U. S. 209, also applies to predatory-bidding claims brought under §2 of the Sherman Act.

[Lawrence v. Florida](#), 549 U. S. \_\_\_ (2007)

R016; No. 05-8820; 02/20/07. Title 28 §2244(d)(2) does not toll the 1-year statute of limitations for seeking federal habeas relief from a state-court judgment during the pendency of a certiorari petition in this Court; Lawrence falls far short of showing "extraordinary circumstances" necessary to support equitable tolling of his otherwise untimely claims.

[Philip Morris USA v. Williams](#), 549 U. S. \_\_\_ (2007)

R017; No. 05-1256; 02/20/07. A punitive damages award based in part on a jury's desire to punish a defendant for harming nonparties amounts to a taking of property from the defendant without due process.

[Marrama v. Citizens Bank of Mass.](#), 549 U. S. \_\_\_ (2007)

R018; No. 05-996; 02/21/07. Because Marrama's petition under Chapter 7 of the Bankruptcy Code misrepresented the value of his property and that he had not transferred it during the preceding year, he forfeited his right to convert the case to Chapter 13.

[Wallace v. Kato](#), 549 U. S. \_\_\_ (2007)

R019; No. 05-1240; 02/21/07. The statute of limitations upon a 42 U. S. C. §1983 claim seeking damages for a false arrest in violation of the Fourth Amendment, where the arrest is followed by criminal proceedings, begins to run at the time the claimant becomes detained pursuant to legal process.

[Whorton v. Bockting](#), 549 U. S. \_\_\_ (2007)

## OT 06 Case Summaries

R020; No. 05-595; 02/28/07. The holding of *Crawford v. Washington*, 541 U. S. 36, 59-that "testimonial statements of witnesses absent from trial" are admissible "only where the declarant is unavailable, and only where the defendant has had a prior opportunity to cross-examine [the witness]"-is a new rule of criminal procedure that does not fall within the *Teague v. Lane*, 489 U. S. 288, exception for watershed rules that apply retroactively to cases on collateral review.

[Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp.](#), 549 U. S. \_\_ (2007)

R021; No. 06-102; 02/28/07. A federal district court has discretion to respond at once to a defendant's *forum non conveniens* plea, and need not take up first any other threshold objection; in particular, the court need not resolve whether it has authority to adjudicate the cause (subject-matter jurisdiction) or personal jurisdiction over the defendant if it determines that, in any event, a foreign tribunal is the more suitable arbiter of the merits of the case.

[Lance v. Coffman](#), 549 U. S. \_\_ (2007) (*per curiam*)

R022; No. 06-641; 02/28/07. Because petitioner Colorado voters assert no particularized stake in this litigation, they lack standing to bring their claim that a provision of the Colorado Constitution, as interpreted by the State Supreme Court, violated the Elections Clause of the U. S. Constitution by depriving the state legislature of its responsibility to draw congressional districts.

[Travelers Casualty & Surety Co. of America v. Pacific Gas & Elec. Co.](#), 549 U. S. \_\_ (2007)

R023; No. 05-1429; 3/20/07. Federal bankruptcy law does not disallow contract-based claims for attorney's fees based solely on the fact that the fees at issue were incurred litigating bankruptcy law issues.

[Rockwell Int'l Corp. v. United States](#), 549 U. S. \_\_ (2007)

R024; No. 05-1272; 3/27/07. Respondent Stone does not meet the False Claims Act's jurisdictional requirement that he be the original source of the information upon which his qui tam suit's allegations were based; the Government's intervention did not provide an independent basis of jurisdiction with respect to Stone.

[Limtiaco v. Camacho](#), 549 U. S. \_\_ (2007)

R025; No. 06-116; 3/27/07. The debt limitation contained in Guam's Organic Act, which limits the Territory's public indebtedness to 10% of the "aggregate tax valuation of the property in Guam," 48 U. S. C. §1423a, must be calculated according to the assessed, not the appraised, valuation of property.

## OT 06 Case Summaries

[Massachusetts v. EPA](#), 549 U. S. \_\_ (2007)

R026; No. 05-1120; 4/02/07. Petitioners have standing to challenge the Environmental Protection Agency's denial of their petition to begin regulating new-motor-vehicle greenhouse-gas emissions under the Clean Air Act; because such gases fit well within the Act's capacious definition of "air pollutant," the EPA has statutory authority to regulate their emissions, and its refusal to do so rested on impermissible considerations and was "arbitrary, capricious, or otherwise not in accordance with law," 42 U. S. C. §7607(d)(9).

[Environmental Defense v. Duke Energy Corp.](#), 549 U. S. \_\_ (2007)

R027; No. 05-848; 4/02/07. The Fourth Circuit's reading of the Environmental Protection Agency's Prevention of Significant Deterioration regulations in an effort to conform them with their New Source Performance Standards counterparts as to the Clean Air Act's term "modification" amounted to the invalidation of the PSD regulations, which must comport with the Act's limits on judicial review of EPA regulations for validity.

### 550 U. S., Part 1

[Watters v. Wachovia Bank, N. A.](#), 550 U. S. \_\_ (2007)

R028; No. 05-1342; 04/17/07. Wachovia's mortgage lending business, whether conducted by the bank itself or through the bank's operating subsidiary, is subject to superintendence by the Office of the Comptroller of the Currency, and not to the licensing, reporting, and visitorial regimes of the several States in which the subsidiary operates.

[Global Crossing Telecommunications, Inc. v. Metrophones Telecommunications, Inc.](#), 550 U. S. \_\_ (2007)

R029; No. 05-705; 04/17/07. The Federal Communications Commission's conclusion-that a long-distance communications carrier's refusal to compensate a payphone operator when a caller uses that operator's payphone to obtain free access to the carrier is a "practice . . . that is unjust or unreasonable" under Communications Act of 1934 §201(b)-is lawful; §207, which authorizes any person "damaged" by a §201(b) violation to bring a federal-court lawsuit to recover damages, authorizes suit in this case.

[Zuni Public School Dist. No. 89 v. Department of Education](#), 550 U. S. \_\_ (2007)

R030; No. 05-1508; 04/17/07. In determining whether a State's public school funding program "equalizes expenditures" for purposes of the Federal Impact Aid Program, the Secretary of Education is permitted to identify school districts that should be "disregard[ed]" from the

## OT 06 Case Summaries

calculation by looking to the *number of the district's pupils* as well as to the size of the district's expenditures per pupil.

[Gonzales v. Carhart](#), 550 U. S. \_\_\_ (2007)

R031; No. 05-380; 04/18/07. Respondent abortion doctors and advocacy groups have not demonstrated that the federal Partial-Birth Abortion Ban Act of 2003, as a facial matter, is void for vagueness, or that it imposes an undue burden on a woman's right to abortion based on its overbreadth or lack of a health exception.

[James v. United States](#), 550 U. S. \_\_\_ (2007)

R032; No. 05-9264; 04/18/07. Attempted burglary, as defined by Florida law, is a "violent felony" for purposes of the Armed Career Criminal Act, 18 U. S. C. §924(e), which provides a 15-year mandatory minimum prison term for a defendant, convicted of possessing a firearm, who has three prior convictions "for a violent felony."

[Abdul-Kabir v. Quarterman](#), 550 U. S. \_\_\_ (2007)

R033; No. 05-11284; 04/25/07. Because there is a reasonable likelihood that the Texas trial court's instructions prevented jurors from giving meaningful consideration to constitutionally relevant mitigating evidence, the Texas Court of Criminal Appeals' merits adjudication "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States," 28 U. S. C. §2254(d)(1), and thereby warranted federal habeas relief.

[Brewer v. Quarterman](#), 550 U. S. \_\_\_ (2007)

R034; No. 05-11287; 04/25/07. Because the Texas capital sentencing statute, as interpreted by the State's Court of Criminal Appeals, impermissibly prevented Brewer's jury from giving meaningful consideration and effect to constitutionally relevant mitigating evidence, the appeals court's decision denying Brewer relief under *Penry v. Lynaugh*, 492 U. S. 302, was both "contrary to" and "involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States," 28 U. S. C. §2254(d).

[Smith v. Texas](#), 550 U. S. \_\_\_ (2007)

R035; No. 05-11304; 04/25/07. The Texas Court of Criminal Appeals made errors of federal law in analyzing Smith's challenge to the special issues used at his capital sentencing hearing, and those errors cannot be the predicate for requiring Smith to show egregious harm to obtain relief.

### 550 U. S., Part 2

## OT 06 Case Summaries

[United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority, 550 U. S. \\_\\_\\_ \(2007\)](#)

R036; No. 05-1345; 04/30/07. Respondent Counties' flow control ordinances requiring trash haulers to deliver solid waste to particular waste processing facilities owned by respondent Authority treat in-state private business interests exactly the same as out-of-state ones and do not discriminate against interstate commerce.

[Scott v. Harris, 550 U. S. \\_\\_\\_ \(2007\)](#)

R037; No. 05-1631; 04/30/07. Because the car chase respondent motorist initiated posed a substantial and immediate risk of serious physical injury to others, Deputy Scott's attempt to terminate the chase by forcing respondent off the road was reasonable, and Scott is entitled to summary judgment in this 42 U. S. C. §1983 suit.

[KSR Int'l Co. v. Teleflex Inc., 550 U. S. \\_\\_\\_ \(2007\)](#)

R038; No. 04-1350; 04/30/07. The Federal Circuit's holding that a claimed invention cannot be held "obvious," and thus unpatentable under 35 U. S. C. §103(a), absent some proven "teaching, suggestion, or motivation" that would have led a person of ordinary skill in the art to combine the relevant prior art teachings in the manner claimed, addressed the obviousness question in a narrow, rigid manner that is inconsistent with §103 and this Court's precedents.

[EC Term of Years Trust v. United States, 550 U. S. \\_\\_\\_ \(2007\)](#)

R039; No. 05-1541; 04/30/07. In a challenge to the Internal Revenue Service's levy upon funds of petitioner Trust to collect taxes owed by another, the Trust may not bring a tax refund action under 28 U. S. C. §1346(a)(1), which has a 2-year limitations period, when it had an opportunity to utilize the wrongful levy procedure set forth in 26 U. S. C. §7426(a)(1), but missed that statute's 9-month deadline.

[Microsoft Corp. v. AT&T Corp., 550 U. S. \\_\\_\\_ \(2007\)](#)

R040; No. 05-1056; 04/30/07. Because Microsoft does not export from the United States the copies of its Windows operating system that are installed on the foreign-made computers in question, Microsoft does not "suppl[y] . . . from the United States" "components" of those computers, and therefore is not liable to AT&T for patent infringement under 35 U. S. C. §271(f) as currently written.

[Schriro v. Landrigan, 550 U. S. \\_\\_\\_ \(2007\)](#)

## OT 06 Case Summaries

R041; No. 05-1575; 05/14/07. The District Court did not abuse its discretion in refusing to grant an evidentiary hearing to respondent federal habeas applicant on the ground that he could not make out a colorable ineffective-assistance-of-counsel claim.

[Hinck v. United States, 550 U. S. \\_\\_ \(2007\)](#)

R042; No. 06-376; 05/21/07. The Tax Court provides the exclusive forum for judicial review of a failure to abate, under 26 U. S. C. §6404(e)(1), interest accrued on unpaid income taxes.

[Office of Sen. Mark Dayton v. Hanson, 550 U. S. \\_\\_ \(2007\)](#)

R043; No. 06-618; 05/21/07. The appeal is dismissed because, absent a constitutional holding below, this Court lacks jurisdiction under 2 U. S. C. §1412, which authorizes direct review here of "any . . . judgment . . . upon the constitutionality of any provision" of the Congressional Accountability Act of 1995; treating the jurisdictional statement as a certiorari petition, the petition is denied.

[Winkelman v. Parma City School Dist., 550 U. S. \\_\\_ \(2007\)](#)

R044; No. 05-983; 05/21/07. The Individuals with Disabilities Education Act grants parents independent, enforceable rights, which encompass the entitlement to a free appropriate public education for their child; because parents enjoying such rights are entitled to prosecute claims on their own behalf, the Sixth Circuit erred in dismissing petitioner parents' appeal for lack of counsel.

[Bell Atlantic Corp. v. Twombly, 550 U. S. \\_\\_ \(2007\)](#)

R045; No. 05-1126; 05/21/07. Stating a claim under §1 of the Sherman Act requires a complaint with enough factual matter (taken as true) to suggest that an agreement was made; an allegation of parallel conduct and a bare assertion of conspiracy will not suffice. Under this standard, respondents' claim of conspiracy in restraint of trade by petitioner telecommunications firms comes up short.

[Roper v. Weaver, 550 U. S. \\_\\_ \(2007\) \(per curiam\)](#)

R046; No. 06-313; 05/21/07. Certiorari to test whether the Eighth Circuit's application of the stringent review standard mandated by the Antiterrorism and Effective Death Penalty Act of 1996 was consistent with this Court's interpretation of that statute is dismissed as improvidently granted because the District Court erroneously dismissed respondent's original habeas petition filed before AEDPA's effective date.

[Los Angeles County v. Rettele, 550 U. S. \\_\\_ \(2007\) \(per curiam\)](#)

## OT 06 Case Summaries

R047; No. 06-605; 05/21/07. The Fourth Amendment was not violated where respondents' house was searched by deputies executing a valid warrant for possibly armed suspects of a race different from respondents', and the officers ordered the sleeping respondents out of bed and required them to stand unclothed for a few minutes while the premises were secured.

[Ledbetter v. Goodyear Tire & Rubber Co.](#), 550 U. S. \_\_\_\_ (2007)

R048; No. 05-1074; 5/29/07. Because the later effects of past discrimination do not restart the clock for filing a charge with the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964, Ledbetter's claim was untimely when it was filed more than 180 days after the alleged discriminatory pay decisions, even though her subsequent pay continued to be affected by those decisions.

### 551 U. S., Part 1

[Tennessee Secondary School Athletic Assn. v. Brentwood Academy](#), 551 U. S. \_\_\_\_ (2007)

R065; No. 06-427; 6/21/07. Petitioner athletic league's enforcement of its rule prohibiting high school coaches from recruiting middle school athletes does not violate the First Amendment.

[Tellabs, Inc. v. Makor Issues & Rights, Ltd.](#), 551 U. S. \_\_\_\_ (2007)

R066; No. 06-484; 6/21/07. To qualify as "strong" within the intendment of §21D(b)(2) of the Private Securities Litigation Reform Act of 1995, an inference of scienter must be more than merely plausible or reasonable--it must be cogent and at least as compelling as any opposing inference of nonfraudulent intent.

[Rita v. United States](#), 551 U. S. \_\_\_\_ (2007)

R067; No. 06-5754; 6/21/07. A court of appeals may apply a presumption of reasonableness to a district court sentence within the Federal Guidelines range; here, the District Court's sentence was reasonable, and the Fourth Circuit, after applying the presumption, was legally correct in holding that the sentence was not unreasonable.

[Uttecht v. Brown](#), 551 U. S. 1 (2007)

R049; No. 06-413; 6/4/07. In holding that a state court erred in excusing a juror for being substantially impaired in his ability to impose the death penalty, the Ninth Circuit failed to accord proper deference to the trial court's determination of the juror's demeanor and qualifications.

[Safeco Ins. Co. of America v. Burr](#), 551 U. S. \_\_\_\_ (2007)

## OT 06 Case Summaries

R050; No. 06-84; 6/4/07. Willful failure to provide notice to any consumer subjected to adverse action based on information in a consumer credit report under the Fair Credit Reporting Act covers a violation in reckless disregard of the notice obligation; GEICO did not violate the statute, and while Safeco might have, it did not act recklessly.

[Sole v. Wyner](#), 551 U. S. \_\_\_\_ (2007)

R051; No. 06-531; 6/4/07. For purposes of an attorney's fees award under 42 U. S. C. §1988(b), prevailing party status does not attend achievement of a preliminary injunction that is reversed, dissolved, or otherwise undone by the final decision in the same case.

[Claiborne v. United States](#), 551 U. S. \_\_\_\_ (2007) (*per curiam*)

R052; No. 06-5618; 6/4/07. Because petitioner has died, the Eighth Circuit's judgment is vacated as moot.

[Erickson v. Pardus](#), 551 U. S. \_\_\_\_ (2007) (*per curiam*)

R053; No. 06-7317; 6/4/07. Under the liberal pleading standards of Federal Rule of Civil Procedure 8(a)(2), the Tenth Circuit erred in concluding that petitioner's complaint was properly dismissed because his allegations concerning harm caused him by respondent state prison officials' termination of his medication were too "conclusory."

[Beck v. PACE Int'l Union](#), 551 U. S. \_\_\_\_ (2007)

R054; No. 05-1448; 6/11/07. Because plan merger is not a permissible method of terminating pension plans under the Employee Retirement Income Security Act of 1974, employers who sponsored and administered single-employer defined-benefit plans did not breach their fiduciary obligations to plan participants and beneficiaries by failing to consider respondent union's proposal to terminate those plans by merging them with the union's multiemployer plan.

[Fry v. Pliler](#), 551 U. S. \_\_\_\_ (2007)

R055; No. 06-5247; 6/11/07. In 28 U. S. C. §2254 proceedings, a federal habeas court must assess the prejudicial impact of constitutional error in a state-court criminal trial under the "substantial and injurious effect" standard set forth in *Brecht v. Abrahamson*, 507 U. S. 619, whether or not the state appellate court recognized the error and reviewed it for harmlessness under the "harmless beyond a reasonable doubt" standard set forth in *Chapman v. California*, 386 U. S. 18.

[United States v. Atlantic Research Corp.](#), 551 U. S. \_\_\_\_ (2007)

## OT 06 Case Summaries

R056; No. 06-562; 6/11/07. The plain terms of §107(a)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 allow a so-called potentially responsible party (PRP) to recover from other PRPs costs associated with cleaning up contaminated sites.

[Watson v. Philip Morris Cos.](#), 551 U. S. \_\_\_\_ (2007)

R057; No. 05-1284; 6/11/07. The fact that a federal agency directs, supervises, and monitors a company's activities in considerable detail does not bring that company within the scope of the federal officer removal statute, which permits the removal to federal district court of a state-court action against "any officer (or any person acting under that officer) of the United States or of any agency thereof," 28 U. S. C. §1442(a)(1).

[Long Island Care at Home, Ltd. v. Coke](#), 551 U. S. \_\_\_\_ (2007)

R058; No. 06-593; 6/11/07. The Labor Department's "third-party regulation"-which includes "companionship" workers "employed by an . . . agency other than the family or household using their services," 29 CFR §552.109(a), within the Fair Labor Standards Act's minimum-wage/maximum-hours exemption for persons "employed in domestic service . . . to provide companionship services for individuals . . . unable to care for themselves," 29 U. S. C. §213(a)(15)" is valid and binding.

[Davenport v. Washington Ed. Assn.](#), 551 U. S. \_\_\_\_ (2007)

R059; No. 05-1589; 6/14/07. It does not violate the First Amendment for a State to require its public-sector unions to receive affirmative authorization from a nonmember before spending that nonmember's agency fees for election-related purposes.

[Permanent Mission of India to United Nations v. City of New York](#), 551 U. S. \_\_\_\_ (2007)

R060; No. 06-134; 6/14/07. The Foreign Sovereign Immunities Act of 1976 does not immunize a foreign government from a lawsuit to declare the validity of tax liens on property held by the sovereign for the purpose of housing its employees.

[Bowles v. Russell](#), 551 U. S. \_\_\_\_ (2007)

R061; No. 06-5306; 6/14/07. Because Congress specifically limited to 14 days the time by which district courts can extend the notice-of-appeal filing period in 28 U. S. C. §2107(c), petitioner Bowles' failure to file his notice in accordance with the statute deprived the Sixth Circuit of jurisdiction, even though he filed within the 17-day extension granted by the District Court.

[Powerex Corp. v. Reliant Energy Services, Inc.](#), 551 U. S. \_\_\_\_ (2007)

## OT 06 Case Summaries

R062; No. 05-85; 6/18/07. Title 28 U. S. C. §1447(d), which provides that "[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise," bars appellate consideration of petitioner's claim that it is a foreign state for purposes of the Foreign Sovereign Immunities Act of 1976.

[Brendlin v. California](#), 551 U. S. \_\_\_\_ (2007)

R063; No. 06-8120; 6/18/07. When police make a traffic stop, a passenger in the car, like the driver, is seized for Fourth Amendment purposes and so may challenge the stop's constitutionality.

[Credit Suisse Securities \(USA\) LLC v. Billing](#), 551 U. S. \_\_\_\_ (2007)

R064; No. 05-1157; 6/18/07. The securities law implicitly precludes the application of the antitrust laws to the conduct alleged in this case, *i.e.*, that investment banks committed antitrust violations in executing initial public offerings for technology-related companies.

### 551 U. S., Part 2

[Morse v. Frederick](#), 551 U. S. \_\_\_\_ (2007)

R068; No. 06-278; 6/25/07. Because schools may take steps to safeguard those entrusted to their care from speech that can reasonably be regarded as encouraging illegal drug use, petitioner school officials did not violate the First Amendment by confiscating respondent student's banner proclaiming "BONG HiTS 4 JESUS."

[Federal Election Comm'n v. Wisconsin Right to Life, Inc.](#), 551 U. S. \_\_\_\_ (2007)

R069; No. 06-969; 6/25/07. The D. C. Circuit's judgment that §203 of the Bipartisan Campaign Reform Act of 2002 (BCRA), which makes it a federal crime for a corporation to use its general treasury funds to pay for any "electioneering communication," 2 U. S. C. §441b(b)(2), is unconstitutional as applied to the political ads at issue in these cases is affirmed.

[Wilkie v. Robbins](#), 551 U. S. \_\_\_\_ (2007)

R070; No. 06-219; 6/25/07. Neither *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U. S. 388, nor the Racketeer Influenced and Corrupt Organizations Act gives respondent landowner an action against officials of the Bureau of Land Management whom he accuses of harassment and intimidation aimed at extracting an easement across private property.

[Hein v. Freedom From Religion Foundation, Inc.](#), 551 U. S. \_\_\_\_ (2007)

## OT 06 Case Summaries

R071; No. 06-157; 6/25/07. The Seventh Circuit's judgment that respondent federal taxpayers have standing to bring an Establishment Clause challenge against conferences funded by Executive Branch offices created by the President as part of his faith-based and community programs initiative is reversed.

*National Assn. of Home Builders v. Defenders of Wildlife*, 551 U. S. \_\_\_\_ (2007)

R072; No. 06-340; 6/25/07. Because Endangered Species Act of 1973 §7(a)(2)'s requirement that federal agencies consult with designated agencies to "insure" that a proposed agency action is unlikely to jeopardize an endangered or threatened species covers only discretionary agency actions, it does not attach to actions (like Clean Water Act §402(b)'s National Pollution Discharge Elimination System permitting transfer authorization) that an agency is *required* by statute to undertake once certain specified triggering events have occurred.