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552 U. S., Part 1

Board of Ed. of City School Dist. of New York v. Tom F., 552 U. S. 1 (2007)

R001; No. 06-637; 10/10/07. Judgment affirmed by equally divided Court.

Allen v. Siebert, 552 U. S. 1 (2007) *) (per curiam)*

R002; No. 06-1680; 11/05/07. . Respondent is not entitled to tolling of the Antiterrorism and Effective Death Penalty Act of 1996's 1-year statute of limitations for filing a federal habeas petition where his prior petition for state postconviction relief was rejected as untimely by the Alabama courts and thus, under *Pace v. DiGuglielmo*, 544 U. S. 408, 414, 417, was not a "properly filed" pending state petition within the meaning of 28 U. S. C. §2244(d)(2).

CSX Transp., Inc. v. Georgia State Bd. of Equalization,, 552 U. S. ___ (2007)

R003; No. 06-1287; 12/4/07. The Railroad Revitalization and Regulatory Reform Act of 1976, 49 U. S. C. §11501(b)(1), allows a railroad to attempt to show that state methods for determining the value of in-state railroad property for tax purposes result in a discriminatory determination of true market value.

Logan v. United States,, 552 U. S. ___ (2007)

R004; No. 06-6911; 12/4/07. Title 18 U. S. C. §921(a)(20)-under which a prior conviction may be disregarded for sentence-enhancement purposes under the Armed Career Criminal Act of 1984 if the offender "has had civil rights restored"-does not cover the case of an offender who retained civil rights at all times, and whose legal status, postconviction, remained in all respects unaltered by any state dispensation.

Gall v. United States, 552 U. S. ___ (2007)

R005; No. 06-7949; 12/10/07. While the extent of the difference between a particular sentence and the recommended Federal Sentencing Guidelines range is relevant, courts of appeals must review all sentences—whether inside, just outside, or significantly outside the Guidelines range —under a deferential abuse-of-discretion standard; here, the Eighth Circuit failed to give due deference to the District Court's reasoned and reasonable sentencing decision.

Watson v. United States, 552 U. S. ___ (2007)

R006; No. 06-571; 12/10/07. A person does not "use" a firearm under 18 U. S. C. §924(c)(1)(A) —which sets a mandatory minimum sentence, depending on the facts, for a defendant who,

"during and in relation to any . . . drug trafficking crime[,] . . . uses . . . a firearm"—when he receives a gun in trade for drugs.

Kimbrough v. United States, 552 U. S. ___ (2007)

R007; No. 06-6330; 12/10/07. The cocaine Guidelines, like all other Federal Sentencing Guidelines, are advisory only, and the Fourth Circuit erred in holding the Guidelines' crack/powder cocaine disparity effectively mandatory; a district judge must include the Guidelines range in the array of factors warranting consideration, but may determine that, in the particular case, a within-Guidelines sentence is "greater than necessary" to serve the sentencing objectives, 18 U. S. C. §3553(a), and may consider the disparity between the Guidelines' treatment of crack and powder offenses in making that determination; in this case, Kimbrough's sentence, which was 4.5 years below the Guidelines minimum, should survive appellate consideration.

Arave v. Hoffman, 552 U. S. ___ (2008) (*per curiam*)

R008; No. 07-110; 1/7/08. Because respondent's claim of ineffective assistance of counsel during pretrial plea bargaining is moot, his motion to vacate the decision below is granted, and the Ninth Circuit's judgment is vacated to the extent that it addressed that claim.

Wright v. Van Patten, 552 U. S. ___ (2008) (*per curiam*)

R009; No. 07-212; 1/7/08. Because this Court has never held that an attorney's assistance is presumed ineffective if he participates in a plea hearing by speaker phone rather than by physical appearance, nor extended *United States v. Cronic*, 466 U. S. 648, to this novel factual context, the Seventh Circuit erred in allowing its original opinion granting relief on this basis to stand in light of *Carey v. Musladin*, 549 U. S. ___.

John R. Sand & Gravel Co. v. United States, 552 U. S. ___ (2008)

R010; No. 06-1164; 1/8/08. The court of claims statute of limitations requires sua sponte consideration of a lawsuit's timeliness, despite the Government's waiver of the issue.

Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc., 552 U. S. ___ (2008)

R011; No. 06-43; 1/15/08. The private right of action this Court has found implied in §10(b) of the Securities Exchange Act of 1934 and Securities and Exchange Commission Rule 10b–5 does not reach respondents because investors did not rely upon respondents' statements or representations in purchasing the stock of Charter Communications, Inc.

Knight v. Commissioner, 552 U. S. ___ (2008)

R012; No. 06-1286; 1/16/08. Investment advisory fees paid by a trust generally are subject to the 2% floor for itemized deductions under the Internal Revenue Code.

New York State Bd. of Elections v. Lopez Torres, 552 U. S. ___ (2008)

R013; No. 06-766; 1/16/08. New York's system for choosing party nominees for the State Supreme Court does not violate the First Amendment.

Ali v. Federal Bureau of Prisons, 552 U. S. ___ (2008)

R014; No. 06-9130; 1/22/08. The text and structure of 28 U. S. C. §2680(c)—which creates an exception to the Federal Tort Claims Act's waiver of sovereign immunity where a claim arises from the detention of property by "any officer of customs or excise or any other law enforcement officer"—demonstrate that the broad phrase "any other law enforcement officer" covers all law enforcement officers, not just those enforcing customs or excise laws.

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LaRue v. DeWolff, Boberg & Associates, Inc., 552 U. S. ___ (2008)

R015; No. 06-856; 2/20/08. Although §502(a)(2) of the Employee Retirement Income Security Act of 1974 does not provide a remedy for individual injuries distinct from plan injuries, it does authorize recovery for fiduciary breaches that impair the value of plan assets in a participant's individual account.

Danforth v. Minnesota, 552 U. S. ___ (2008)

R016; No. 06-8273; 2/20/08. Teague v. Lane, 489 U. S. 288, does not constrain the authority of state courts to give broader effect to new constitutional rules of criminal procedure than is required by that opinion.

Riegel v. Medtronic, Inc., 552 U. S. ___ (2008)

R017; No. 06-179; 2/20/08. The pre-emption clause in the Medical Device Amendments of 1976, 21 U. S. C. §360k(a), bars common-law claims challenging the safety or effectiveness of a medical device marketed in a form that received premarket approval from the Food and Drug Administration.

Preston v. Ferrer, 552 U. S. ___ (2008)

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R018; No. 06-1463; 2/20/08. When parties agree to arbitrate all questions arising under a contract, the Federal Arbitration Act supersedes state laws lodging primary jurisdiction in another forum, whether judicial or administrative.

Rowe v. New Hampshire Motor Transp. Assn., 552 U. S. ___ (2008)

R019; No. 06-457; 2/20/08. The Federal Aviation Administration Authorization Act of 1994, 49 U. S. C. §14501(c)(1)—which prohibits States from enacting any law "related to" a motor carrier "price, route, or service"—pre-empts two provisions of a Maine tobacco law that regulate the delivery of tobacco to customers within the State.

Sprint/United Management Co. v. Mendelsohn, 552 U. S. ___ (2008)

R020; No. 06-1221; 2/26/08. The Tenth Circuit erred in concluding that the District Court applied a *per se* rule to exclude evidence of age discrimination against other employees not "similarly situated" to respondent and thus improperly engaged in its own analysis of the relevant factors under Federal Rules of Evidence 401 and 403, rather than remanding the case for the District Court to clarify its ruling.

Federal Express Corp. v. Holowecki, 552 U. S. ___ (2008)

R021; No. 06-1322; 2/27/08. For a filing to be deemed a "charge" alleging unlawful discrimination under the Age Discrimination in Employment Act of 1967, it must contain the information required by the implementing regulations, *i.e.*, an allegation of discrimination and the name of the charged party, and must be reasonably construed as a request for the Equal Employment Opportunity Commission to take remedial action to protect the employee's rights or otherwise settle a dispute between the employer and the employee.

Boulware v. United States, 552 U. S. ___ (2008)

R022; No. 06-1509; 3/3/08. A taxpayer accused of criminal tax evasion may claim that a corporate distribution is an untaxable return of capital—which would leave the Government unable to establish the tax deficiency required for conviction—without producing evidence that, when the distribution occurred, either he or the corporation intended a return of capital.

Warner-Lambert Co. v. Kent, 552 U. S. ___ (2008)

R023; No. 06-1498; 3/3/08. Judgment affirmed by equally divided Court.

Washington State Grange v. Washington State Republican Party, 552 U. S. ___ (2008)

R024; No. 06-713; 3/18/08. Washington State's primary law—which provides that candidates must be identified on the primary ballot by their self-designated party preference; that voters may vote for any candidate; and that the two top votegetters for each office, regardless of party preference, advance to the general election—does not on its face impose a severe burden on state political parties' First Amendment rights.

Snyder v. Louisiana, 552 U. S. ___ (2008)

R025; No. 06-10119; 3/19/08. The trial judge in petitioner's capital murder trial committed clear error in rejecting the claim that the prosecution exercised its peremptory challenge against juror Brooks based on race, in violation of *Batson v. Kentucky*, 476 U. S. 79.

Medellín v. Texas 552 U. S. ___ (2008)

R026; No. 06-984; 3/25/08. Neither the International Court of Justice's *Avena* decision that the U. S. violated the Vienna Convention on Consular Relations by failing to inform 51 Mexican state-court defendants of their Convention rights nor the President's Memorandum stating that the U. S. would "discharge its international obligations" under *Avena* "by having State courts give effect to the decision" constitutes directly enforceable federal law that pre-empts state limitations on the filing of successive habeas petitions.

Hall Street Associates, L. L. C. v. Mattel, Inc., 552 U. S. ___ (2008)

R027; No. 06-989; 3/25/08. The grounds set forth in the Federal Arbitration Act, 9 U. S. C. §§10, 11, for prompt vacatur and modification of arbitration awards are exclusive for parties seeking expedited review under the Act.

New Jersey v. Delaware, 552 U. S. ___ (2008)

R028; No. 134, Orig.; 3/31/08. The 1905 Compact between New Jersey and Delaware did not secure to New Jersey *exclusive* jurisdiction over all riparian improvements commencing on its shores of the Delaware River; rather, the two States have overlapping authority to regulate riparian structures and operations of extraordinary character extending outshore of New Jersey's domain into territory over which Delaware is sovereign.

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United States v. Clintwood Elkhorn Mining Co., 553 U. S. __ (2008)

R029; No. 07-308; 4/15/08. The plain language of 26 U. S. C. §§7422(a) and 6511 requires a taxpayer seeking a refund for a tax assessed in violation of the Export Clause, just as for any

other unlawfully assessed tax, to file a timely administrative refund claim before bringing suit against the Government.

MeadWestvaco Corp. v. Illinois Dept. of Revenue, 553 U. S. __ (2008)

R030; No. 06-1413; 4/15/08. The Illinois courts erred in upholding a state tax on an apportioned share of a multistate corporation's capital gain realized from the sale of a business division after those courts determined that the division and the corporation were not "unitary."

Baze v. Rees, 553 U. S. __ (2008)

R031; No. 07-5439; 4/16/08. The Kentucky Supreme Court's judgment upholding Kentucky's three-drug lethal-injection protocol against petitioners' claim that it violates the Eighth Amendment's "cruel and unusual punishments" ban is affirmed.

Burgess v. United States, 553 U. S. __ (2008)

R032; No. 06-11429; 4/16/08. Under 21 U. S. C. §841(b)(1)(A), which enhances the mandatory minimum sentence for certain federal drug crimes when the defendant was previously convicted of a "felony drug offense," the quoted term is defined exclusively by §802(44) to "mea[n] an offense . . . punishable by imprisonment for more than one year under any law of . . . a State," and does not incorporate the §802(13) definition of "felony" as any "offense classified by applicable . . . law as a felony," so that a state drug offense punishable by more than one year qualifies as a "felony drug offense," even if state law classifies the offense as a misdemeanor.

Begay v. United States, 553 U. S. __ (2008)

R033; No. 06-11543; 4/16/08. Felony driving under the influence of alcohol, as defined by New Mexico law, is not 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," and defines "violent felony," in relevant part, as a crime that "is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another," §924(e)(2)(b)(ii).

Virginia v. Moore, 553 U. S. __ (2008)

R034; No. 06-1082; 4/23/08. The police did not violate the Fourth Amendment when they made an arrest that was based on probable cause but prohibited by Virginia law, or when they performed a search incident to the arrest.

Crawford v. Marion County Election Bd., 553 U. S. __ (2008)

R035; No. 07-21; 4/28/08. The Seventh Circuit's judgment upholding the constitutionality of an Indiana statute requiring citizens voting in person to present government-issued photo identification is affirmed.

Gonzalez v. United States, 553 U. S. ___ (2008)

R036; No. 06-11612; 5/12/08. Express consent by a defendant's counsel suffices to waive the right to have an Article III judge preside over jury selection in a federal felony trial and to permit a magistrate judge to preside pursuant to the Federal Magistrates Act, 28 U. S. C. §636(b)(3), which allows a magistrate judge to "be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States."

United States v. Ressam, 553 U. S. ___ (2008)

R037; No. 07-455; 5/19/08. Since respondent was carrying explosives when he made a false statement to a customs official in violation of 18 U. S. C. §1001, he was carrying them "during" the commission of that felony, in violation of §844(h)(2).

United States v. Williams, 553 U. S. ___ (2008)

R038; No. 06-694; 5/19/08. As construed by this Court, 18 U. S. C. §2252A(a)(3)(B)—which criminalizes, in specified circumstances, the pandering or solicitation of child pornography—is not overbroad under the First Amendment or impermissibly vague under the Due Process Clause.

Department of Revenue of Ky. v. Davis, 553 U. S. ___ (2008)

R039; No. 06-666; 5/19/08. Kentucky's differential tax scheme—which exempts from state income taxes interest on bonds issued by Kentucky or its political subdivisions but not on bonds issued by other States and their subdivisions—does not offend the Commerce Clause.

United States v. Rodriquez, 553 U. S. ___ (2008)

R040; No. 06-1646; 5/19/08. Because a state drug-trafficking conviction qualifies as "a serious drug offense" if "a maximum term of imprisonment of ten years or more is prescribed by law," 18 U. S. C. §924(e)(2)(A)(ii), and the maximum term respondent faced on Washington state drug convictions was 10 years under a state recidivist law, the state convictions had to be counted under the Armed Career Criminal Act, §924(e), to enhance respondent's sentence on his conviction for the federal crime of possession of a firearm by a convicted felon, §922(g)(1).

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Riley v. Kennedy, 553 U. S. __ (2008)

R041; No. 07-77; 5/27/08. An Alabama election law invalidated by the State Supreme Court under the State Constitution never gained "force or effect" for the purposes of §5 of the Voting Rights Act of 1965. Therefore, Alabama's reinstatement of its prior practice of gubernatorial appointment did not rank as a "change" requiring preclearance.

CBOCS West, Inc. v. Humphries, 553 U. S. __ (2008)

R042; No. 06-1431; 5/27/08. Title 42 U. S. C. §1981—which gives "[a]ll persons . . . the same right . . . to make and enforce contracts . . . as is enjoyed by white citizens"—encompasses a complaint of retaliation against a person who has complained about a violation of another person's employment-contract-related "right."

Gomez-Perez v. Potter, 553 U. S. __ (2008)

R043; No. 06-1321; 5/27/08. The federal-sector provision of the Age Discrimination in Employment Act of 1967, 29 U. S. C. §633a(a)—which requires that "[a]ll personnel actions affecting employees . . . at least 40 years of age . . . be made free from any discrimination based on age"—prohibits retaliation against a federal employee who complains of age discrimination.

United States v. Santos, 553 U. S. __ (2008)

R044; No. 06-1005; 6/2/08. The Seventh Circuit's judgment affirming the District Court's vacatur of respondents' money-laundering convictions on the grounds that 18 U. S. C. §1956(a)(1)(A)'s criminal "proceeds" strictures apply only to transactions involving criminal "profits," not criminal "receipts," and that there was no evidence that the transactions on which the convictions were based involved profits from respondents' illegal lottery operation, is affirmed.

Regalado Cuellar v. United States, 553 U. S. __ (2008)

R045; No. 06-1456; 6/2/08. Although 18 U. S. C. §1956(a)(2)(B)(i)—which prohibits transporting the proceeds of unlawful activity across the border knowing that the transportation was designed "to conceal or disguise the nature, the location, the source, the ownership, or the control" of the funds—does not require proof that the defendant attempted to create the appearance of legitimate wealth, neither can it be satisfied solely by evidence that the funds were concealed during transport: The statutory text makes clear that a conviction requires proof that the transportation's purpose, not merely its effect, was to conceal or disguise one of the listed attributes.

Richlin Security Service Co. v. Chertoff, 553 U. S. __ (2008)

R046; No. 06-1717; 6/2/08. A prevailing party that satisfies the Equal Access to Justice Act's other requirements for reimbursement of attorney's fees, expenses, and costs may recover paralegal fees from the Government at prevailing market rates.

Engquist v. Oregon Dept. of Agriculture, 553 U. S. __ (2008)

R047; No. 07-474; 6/9/08. The "class-of-one" equal protection theory—under which a claimant alleges that she was mistreated not because she was a member of an identified class (e.g., race, sex, or national origin), but simply for arbitrary, vindictive, and malicious reasons—does not apply in the public employment context.

Quanta Computer, Inc. v. LG Electronics, Inc., 553 U. S. __ (2008)

R048; No. 06-937; 6/9/08. Because the doctrine of patent exhaustion applies to method patents, and because the License Agreement in this case authorizes the sale of components that substantially embody the patents in suit, the exhaustion doctrine prevents respondent from further asserting its patent rights with respect to the patents substantially embodied by those products.

Bridge v. Phoenix Bond & Indemnity Co., 553 U. S. __ (2008)

R049; No. 07-210; 6/9/08. A plaintiff asserting a Racketeer Influenced and Corrupt Organizations Act claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations.

Allison Engine Co. v. United States ex rel. Sanders, 553 U. S. __ (2008)

R050; No. 07-214; 6/9/08. It is insufficient for a plaintiff asserting a cause of action under the False Claims Act, 31 U. S. C. §3729(a)(2), to show merely that the use of a false statement resulted in payment or approval of a false claim or that Government money was used to pay the claim; instead, such a plaintiff must prove that the defendant intended that the false statement be material to the Government's decision to pay or approve the false claim. Similarly, it is not enough under §3729(a)(3) for a plaintiff to show that alleged conspirators agreed upon a fraud scheme that had the effect of causing a private entity to make payments using money obtained from the Government; instead, it must be shown that they intended "to defraud the Government."

Munaf v. Geren, 553 U. S. __ (2008)

R051; No. 06-1666; 6/12/08. The federal habeas statute extends to American citizens held overseas by American forces operating subject to an American chain of command; federal district courts, however, may not exercise their habeas jurisdiction to enjoin the United States

from transferring individuals alleged to have committed crimes and detained within the territory of a foreign sovereign to that sovereign for criminal prosecution.

Irizarry v. United States, 553 U. S. __ (2008)

R052; No. 06-7517; 6/12/08. Federal Rule of Criminal Procedure 32(h)'s notice requirement does not apply to a variance from a recommended Federal Sentencing Guidelines range.

Boumediene v. Bush, 553 U. S. __ (2008)

R053; No. 06-1195; 6/12/08. Petitioners, aliens designated as enemy combatants and detained at Guantanamo Bay, Cuba., have the constitutional privilege of habeas corpus, which cannot be withdrawn except in conformance with the Suspension Clause, Art. I, §9, cl. 2; because the procedures for review of the detainees' status set forth in the Detainee Treatment Act of 2005 are not an adequate and effective substitute for habeas, §7 of the Military Commissions Act of 2006, which withdraws federal-court habeas jurisdiction with respect to petitioners, operates as an unconstitutional suspension of the writ.

Republic of Philippines v. Pimentel, 553 U. S. __ (2008)

R054; No. 06-1204; 6/12/08. Federal Rule of Civil Procedure 19 requires dismissal of this interpleader action involving assets of the late Ferdinand Marcos because of the absence of the Republic of the Philippines and a Philippine commission, which are required parties who are immune from suit under the foreign sovereign immunity doctrine.

Taylor v. Sturgell, 553 U. S. __ (2008)

R055; No. 07-371; 6/12/08. The theory of preclusion by "virtual representation" is disapproved; the preclusive effects of a judgment in a federal-question case decided by a federal court should instead be determined according to the established grounds for nonparty preclusion.

554 U. S., Part 1

Dada v. Mukasey, 554 U. S. ___ (2008)

R056; No. 06-1181; 6/16/08. An alien must be permitted an opportunity to withdraw a motion for voluntary departure from the United States, provided the request is made before expiration of the departure period.

Florida Dept. of Revenue v. Piccadilly Cafeterias, Inc., 554 U. S. ___ (2008)

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R057; No. 07-312; 6/16/08. Because §1146(a) of the Bankruptcy Code affords a stamp-tax exemption only to asset transfers made pursuant to a Chapter 11 plan that has been confirmed, respondent may not rely on that provision to avoid Florida's stamp taxes on the preconfirmation sale of its assets.

Chamber of Commerce of United States v. Brown, 554 U. S. ___ (2008)

R058; No. 06-939; 6/19/08. California statutes prohibiting employers who receive state grants or more than $10,000 in state program funds per year from using the funds "to assist, promote, or deter union organizing" are pre-empted by the National Labor Relations Act under *Machinists v. Wisconsin Employment Relations Comm'n*, 427 U. S. 132, 140.

Meacham v. Knolls Atomic Power Laboratory, 554 U. S. ___ (2008)

R059; No. 06-1505; 6/19/08. An employer defending a disparate-impact claim under the Age Discrimination in Employment Act of 1967 bears both the burden of production and the burden of persuasion for the "reasonable factors other than age" affirmative defense under 29 U. S. C. §623(f)(1).

Metropolitan Life Ins. Co. v. Glenn,, 554 U. S. ___ (2008)

R060; No. 06-923; 6/19/08. A company's dual role of both evaluating an employees' claim for benefits from a plan covered by the Employee Retirement Income Security Act of 1974 and paying those benefit out of its own pocket creates a conflict of interest that a reviewing court should consider as a factor in determining whether the plan administrator has abused its discretion in denying benefits; that factor's significance will depend on the circumstances of the particular case.

Kentucky Retirement Systems v. EEOC, 554 U. S. ___ (2008)

R061; No. 06-1037; 6/19/08. Kentucky's disability retirement system does not discriminate against workers who become disabled after becoming eligible for retirement based on age and thus does not violate the Age Discrimination in Employment Act of 1967.

Indiana v. Edwards, 554 U. S. ___ (2008)

R062; No. 07-208; 6/19/08. The Constitution does not forbid States from insisting upon representation by counsel for those criminal defendants competent enough to stand trial but who suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves.

Rothgery v. Gillespie County, 554 U. S. ___ (2008)

R063; No. 07-440; 6/23/08. A criminal defendant's initial appearance before a magistrate judge, where he learns the charge against him and his liberty is subject to restriction, marks the initiation of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel. Attachment does not also require that a prosecutor (as distinct from a police officer) be aware of that initial proceeding or involved in its conduct.

Greenlaw v. United States, 554 U. S. ___ (2008)

R064; No. 07-330; 6/23/08. Absent a Government appeal or cross-appeal, the Eighth Circuit could not, on its own initiative, order an increase in petitioner's sentence.

Sprint Communications Co. v. APCC Services, Inc., 554 U. S. ___ (2008)

R065; No. 07-552; 6/23/08. An assignee of a legal claim for money owed has standing to pursue that claim in federal court, even when the assignee has promised to remit the proceeds of the litigation to the assignor.

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Plains Commerce Bank v. Long Family Land & Cattle Co., 554 U. S. ___ (2008)

R066; No. 07-411; 6/25/08. The Tribal Court did not have jurisdiction to adjudicate a discrimination claim concerning a non-Indian bank's sale of reservation land that it owned in fee simple.

Giles v. California, 554 U. S. ___ (2008)

R067; No. 07-6053; 6/25/08. The California Supreme Court's theory of forfeiture by wrongdoing is not an exception to the Sixth Amendment's confrontation requirement because it was not an exception established at the founding.

Kennedy v. Louisiana, 554 U. S. ___ (2008)

R068; No. 07-343; 6/25/08. The Eighth Amendment's Cruel and Unusual Punishment Clause bars Louisiana from imposing the death penalty for the rape of a child where the crime did not result, and was not intended to result, in the victim's death.

Exxon Shipping Co. v. Baker, 554 U. S. ___ (2008)

R069; No. 07-219; 6/25/08. The $2.5 billion punitive damages award against Exxon for its oil spill off Alaska was excessive as a matter of maritime common law; in the circumstances of this

case, the award should be limited to an amount equal to compensatory damages, here, $507.5 million.

Morgan Stanley Capital Group Inc. v. Public Util. Dist. No. 1 of Snohomish Cty., 554 U. S. __ (2008)

R070; No. 06-1457; 6/26/08. In evaluating the contracts at issue, the Federal Energy Regulatory Commission had to apply the *Mobile-Sierra* presumption, which requires FERC to presume that the electricity rate set in a freely negotiated wholesale-energy contract is "just and reasonable" under the Federal Power Act, absent serious harm to the public interest; the standard for a buyer's rate-increase challenge is the same as for a seller's challenge; FERC's analysis of the instant rate challenge was flawed and incomplete, and its orders unclear.

District of Columbia v. Heller, 554 U. S. __ (2008)

R071; No. 07-290; 6/26/08. The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home. Accordingly, the D. C. law at issue violates the Second Amendment insofar as it totally bans handgun possession in the home and requires that any firearm in the home be disassembled or bound by a trigger lock, thus making it impossible for citizens to use arms for the core lawful purpose of self-defense.

Davis v. Federal Election Comm'n, 554 U. S. __ (2008)

R072; No. 07-320; 6/26/08. Section 319 of the Bipartisan Campaign Reform Act of 2002—which (a) increases the contribution and coordinated expenditure limits, which would otherwise apply to a candidate for a House of Representatives seat, when his opponent spends more than $350,000 in personal funds on the campaign, and (b) requires the self-financing candidate to make certain disclosures—violates the First Amendment.

Medellín v. Texas, 554 U. S. __ (2008) *(per curiam)*

R073; No. 06-984; 8/5/08. Petitioner's application to recall and stay the mandate in *Medellín v. Texas*, 552 U. S. ___ (2008), application for stay of execution, and petition for writ of habeas corpus are denied.