

# Supreme Court of the United States

## OT07 Case List



### A. October

Argued	Docket	Case Name	Court	Decided	Vote	Author	Holding
	06-1680	Allen v. Siebert	CA11	11/5/2007	7-2	PC	Reversed & Remanded; Because respondent's petition for state post conviction relief was rejected as untimely by the Alabama courts, it was not "properly filed" under 28 U.S.C. 2244(d), and he was thus not entitled to tolling of AEDPA's one-year statute of limitations.
10/1/2007	06-637	Board of Education of New York v. Tom F.	CA2	10/10/2007	4-4	PC	AEDC; NYC Board of Ed must reimburse parents for private tuition even if the child did not try out public school.
10/1/2007	06-730 / 06-713	Washington v. Washington Republican Party / Washington State Grange v. Washington Republican Party	CA9	3/18/2008	7-2	Thomas	Reversed; Washington initiative -- providing 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 vote getters for each office, regardless of party preference, advance to the general election -- is facially constitutional.
10/2/2007	06-7949	Gall v. United States	CA8	12/10/2007	7-2	Stevens	Reversed; While the extent of the difference between a particular sentence and the recommended 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.
10/2/2007	06-6330	Kimbrough v. United States	CA4	12/10/2007	7-2	Ginsburg	Reversed & Remanded; A district judge must include the Guidelines range in the array of factors warranting consideration, but the judge may determine that a within-Guidelines sentence is "greater than necessary" to serve the objectives of sentencing.

10/3/2007	06-1005	United States v. Santos	CA7	6/2/2008	5-4	Scalia	Affirmed; The word "proceeds" in the federal money-laundering statute applies only to transactions involving criminal profits, not criminal receipts.
10/3/2007	06-766	NY Board of Elections v. Lopez Torres	CA2	1/16/2008	9-0	Scalia	Reversed; New York's system of choosing party nominees for the State Supreme Court, which requires selection at a convention of delegates chosen by party members in a primary election, does not violate the First Amendment.
10/9/2007	06-43	Stoneridge Investment v. Scientific-Atlanta	CA8	1/15/2008	5-3	Kennedy	Affirmed & Remanded; Section 10(b) of the Securities and Exchange Act of 1934 does not create a private right of action against defendants upon whose statements or representations investors did not rely.
10/9/2007	06-571	Watson v. United States	CA5	12/10/2007	9-0	Souter	Reversed & Remanded; A person does not "use" a firearm under 18 U. S. C. 924(c)(1)(A) when he receives it in trade for drugs.
10/10/2007	06-984	Medellin v. Texas	State (TX)	3/25/2008	6-3	Roberts	Affirmed; Neither an ICJ decision finding that violations of the Vienna Convention entitled Mexican nationals on death row to "review and reconsideration" of their convictions and sentences, nor a subsequent memorandum from President Bush that state courts would "give effect" to the decision, constitute directly enforceable federal law pre-empting state limitations on the filing of successive habeas petitions.
10/29/2007	06-1265	Klein & Co Futures v. Board of Trade of NY	CA2		N/A	N/A	Dismissed; Statutory standing under Commodities Exchange Act

## ***B. November***

<b>Argued</b>	<b>Docket</b>	<b>Case Name</b>	<b>Court</b>	<b>Decided</b>	<b>Vote</b>	<b>Author</b>	<b>Holding</b>
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10/29/2007	06-9130	Ali v. Fed. Bureau of Prisons	CA11	1/22/2008	5-4	Thomas	Affirmed; The sovereign immunity waiver exemption in the Federal Tort Claims Act covers all law enforcement officers, not only those enforcing customs or excise laws.
10/30/2007	06-6911	Logan v. United States	CA7	12/4/2007	9-0	Ginsburg	Affirmed; The exemption from enhanced sentencing for violent felons contained in 18 U.S.C. 921(a)(20) does not cover offenders who retained civil rights at all times, and whose legal status, post conviction, remained in all respects unaltered by any state dispensation.
10/30/2007	06-694	United States v. Williams	CA11	5/19/2008	7-2	Scalia	Reversed; The federal provision criminalizing the pandering or solicitation of child pornography is neither overbroad under the First Amendment nor overly vague under the Fourteenth Amendment.
10/31/2007	06-8273	Danforth v. Minnesota	State (MN)	2/20/2008	7-2	Stevens	Reversed & Remanded; The Court's opinion in Teague v. Lane (1989), which held that only "watershed" constitutional rules of criminal procedure may be applied retroactively on federal habeas review, does not constrain the authority of state courts to give broader effect to new rules of criminal procedure than the opinion requires.
11/5/2007	06-666	Department of Revenue of KY v. Davis	State (KY)	5/19/2008	7-2	Souter	Reversed & Remanded; State law exemption of interest on state-issued bonds -- but not out-of-state bonds -- from state income taxes is not barred by the Dormant Commerce Clause.
11/5/2007	06-1287	CSX v. GA Board of Equalization	CA11	12/4/2007	9-0	Roberts	Reversed; The Railroad Revitalization and Regulatory Reform Act of 1976 allows railroads to attempt to show that state methods for determining the value of railroad property result in a discriminatory determination of true market value.
11/6/2007	06-1322	Federal Express v. Holowecki	CA2	2/27/2008	7-2	Kennedy	Affirmed; The filings of a Form 283 "Intake Questionnaire" and accompanying detailed affidavit constituted the filing of a "charge" under the Age Discrimination in Employment Act, as it could be reasonably construed a request for the EEOC to take remedial action on the employee's behalf.

11/6/2007	06-1164	John R. Sand & Gravel v. United States	CAFC	1/8/2008	7-2	Breyer	Affirmed; The special statute of limitations governing the Court of Federal Claims requires sua sponte consideration of the timeliness of a lawsuit, the government's waiver of the issue notwithstanding.
11/7/2007	06-989	Hall Street Association v. Mattel	CA9	3/25/2008	6-3	Souter	Vacated & Remanded; The Federal Arbitration Act's grounds for prompt vacatur and modification of awards are exclusive for parties seeking expedited review under the Act.

### *C. December*

<b>Argued</b>	<b>Docket</b>	<b>Case Name</b>	<b>Court</b>	<b>Decided</b>	<b>Vote</b>	<b>Author</b>	<b>Holding</b>
11/26/2007	06-856	Larue v. DeWolff, Boberg & Associates	CA4	2/20/2008	9-0	Stevens	Vacated & Remanded; Although ERISA §502(a)(2) 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.
11/27/2007	06-1286	Knight v. Commisioner of Internal Revenue	CA2	1/16/2008	9-0	Roberts	Affirmed; When incurred by a trust, investment advisory fees generally are subject to the 2% floor under 26 U.S.C. 67(e).
11/27/2007	134	New Jersey v. Delaware	Original	3/31/2008	6-2	Ginsburg	Decided; New Jersey and Delaware have overlapping authority to regulate riparian structures extending into the Delaware River.
11/28/2007	06-457	Rowe v. NH Motor Transport Association	CA1	2/20/2008	9-0	Breyer	Affirmed; The Federal Aviation Administration Authorization Act of 1994 pre-empts a Maine statute requiring tobacco shipper to use delivery companies that verify the age of the customer.

12/3/2007	06-1221	Sprint/United Mgmt v. Mendelsohn	CA10	2/26/2008	9-0	Thomas	Vacated & Remanded; The Court of Appeals erred in concluding the District Court applied a per se rule that evidence from employees of other supervisors is irrelevant in age discrimination claims, and thus should have remanded the case for clarification.
12/4/2007	06-10119	Snyder v. Louisiana	State (LA)	3/19/2008	7-2	Alito	Reversed & Remanded; The trial judge committed clear error in rejecting the defendant's objection that the government used a preemptory strike against a black juror, whom the prosecutor alleged might return a non-capital verdict to avoid a separate sentencing hearing, based on race.
12/4/2007	06-179	Riegel v. Medtronic	CA2	2/20/2008	8-1	Scalia	Affirmed; The pre-emption clause of the Medical Device Amendments of 1976 bar common-law claims challenging the safety or effectiveness of a medical device marketed in a form that received premarket approval from the FDA.
12/5/2007	06-1195 / 06-1196	Boumediene v. Bush / Al Odah v. United States	CADC	6/12/2008	5-4	Kennedy	Reversed & Remanded; Aliens detained at Guantanamo Bay and deemed "enemy combatants" by the U.S. military retain the constitutional privilege of habeas corpus, and alternative procedures outlined in the Detainee Treatment Act are not an adequate and effective substitute for the writ.

### ***D. January***

<b>Argued</b>	<b>Docket</b>	<b>Case Name</b>	<b>Court</b>	<b>Decided</b>	<b>Vote</b>	<b>Author</b>	<b>Holding</b>
1/7/2008	07-5439	Baze v. Rees	State (KY)	4/16/2008	7-2	Roberts	Affirmed; State's lethal injection protocol does not violate the Eighth Amendment because it does not create a substantial risk of wanton and unnecessary infliction of pain, torture, or lingering death.
1/7/2008	06-1181	Dada v. Mukasey	CA5	6/16/2008	5-4	Kennedy	Reversed & Remanded; Aliens must be permitted an opportunity to unilaterally withdraw a motion for voluntary departure, provided the request is made before expiration of the departure period, without regard to the underlying merits of a concurrent motion to reopen.

1/8/2008	06-1509	Boulware v. United States	CA9	3/3/2008	9-0	Souter	Vacated & Remanded; A distributee accused of criminal tax evasion may claim return-of-capital treatment without producing evidence that, when the distribution occurred, either he or the corporation intended a return of capital.
1/8/2008	06-11612	Gonzalez v. United States	CA5	5/12/2008	8-1	Kennedy	Affirmed; Under the Federal Magistrates Act, express consent by counsel suffices to permit a magistrate judge to preside over jury selection in a felony trial.
1/9/2008	07-21	Crawford v. Marion City Election Board	CA7	4/28/2008	6-3	Stevens	Affirmed; Indiana law requiring voters to present a government-issued photo identification when voting in person is Constitutional.
1/9/2008	07-25	Indiana Democratic Party v. Rokita	CA7	4/28/2008	6-3	Stevens	Affirmed; Indiana law requiring voters to present a government-issued photo identification when voting in person is Constitutional.
1/9/2008	06-1037	Kentucky Retirement System v. EEOC	CA6	6/19/2008	5-4	Breyer	Reversed; Kentucky's pension system, which treats more generously some retired workers who became disabled before rather than after retirement agent, does not violate the Age Discrimination in Employment Act.
1/14/2008	06-1463	Preston v. Ferrer	State (CA)	2/20/2008	8-1	Ginsburg	Reversed & Remanded; When parties agree to arbitrate all questions arising under a contract, the Federal Arbitration Act (FAA) supersedes state laws lodging primary jurisdiction in another forum, whether judicial or administrative.
1/14/2008	06-1082	Virginia v. Moore	State (VA)	4/23/2008	9-0	Scalia	Reversed & Remanded; The police did not violate the Fourth Amendment when they made an arrest that was based on probable cause but prohibited by state law, or when they performed a search incident to the arrest.

1/15/2008	06-1646	United States v. Rodriguez	CA9	5/19/2008	6-3	Alito	Reversed & Remanded; The "maximum term of imprisonment . . . prescribed by law" for the respondent's state drug convictions was the 10-year maximum set by the applicable recidivist provision.
1/15/2008	06-11543	Begay v. United States	CA10	4/16/2008	6-3	Breyer	Reversed & Remanded; Convictions under New Mexico's DUI statute do not constitute "violent felonies" under the Armed Career Criminal Act.
1/16/2008	06-1413	Meadwestvaco v. Illinois Department of Revenue	State (IL)	4/15/2008	9-0	Alito	Vacated & Remanded; Illinois state courts erred in considering whether Lexis served an "operational purpose" in Mead's business after determining that Lexis and Mead were not unitary.
1/16/2008	06-937	Quanta Computer v. L.G. Electronics	CAFC	6/9/2008	9-0	Thomas	Reversed; Because the doctrine of patent exhaustion applies to method patents, and because the license agreement at issue authorized the sale of components that substantially embody the patents in suit, the exhaustion doctrine prevents the respondent from further asserting its patent rights with respect to the patents substantially embodied by those products.

### ***E. February***

<b>Argued</b>	<b>Docket</b>	<b>Case Name</b>	<b>Court</b>	<b>Decided</b>	<b>Vote</b>	<b>Author</b>	<b>Holding</b>
2/19/2008	06-1321	Gomez-Perez v. Potter	CA1	5/27/2008	6-3	Alito	Reversed & Remanded; The Age Discrimination in Employment Act prohibits retaliation against federal employees who complain of age discrimination.
2/19/2008	06-1457	Morgan Stanley Capital Group, Inc. v. Public Utility District No. 1	CA9	6/26/2008	5-2	Scalia	Affirmed & Remanded; The Federal Energy Regulatory Commission (FERC) was required to apply the Mobile Sierra presumption in determining whether to modify electricity contracts reached during the 2000-2001 Western energy crisis.

2/20/2008	06-1431	CBOCS West v. Humphries	CA7	5/27/2008	7-2	Breyer	Affirmed; Section 42 U.S.C. 1981 permits racial retaliation claims.
2/25/2008	06-1498	Warner-Lambert v. Kent	CA2	3/3/2008	4-4	PC	AEDC; A lawsuit may proceed against the the maker of a diabetes drug, Rezulin, even though it was initially FDA approved.
2/25/2008	06-1456	Cuellar v. United States	CA5	6/2/2008	9-0	Thomas	Reversed; A conviction under the transportation of the federal money laundering statute requires proof that the transportation's purpose -- not merely its effect -- was to conceal or disguise the funds' nature, location, source, ownership, or control.
2/26/2008	07-214	Allison Engine v. United States, ex rel Sanders	CA6	3/3/2008	4-4	PC	AEDC; Under the False Claims Act, a plaintiff must prove the defendant intended a false statement be material to the Government's decision to pay or approve the false claim, not merely that the false statement's use resulted in payment or approval of the claim or that Government money was used to pay the false or fraudulent claim.
2/27/2008	07-219	Exxon v. Baker	CA9	6/25/2008	5-3	Souter	Vacated & Remanded; A \$2.5 billion punitive damages award resulting from the Exxon Valdez oil spill is excessive as a matter of maritime common law, which permits no more than a 1-to-1 ratio with compensatory damages.

## ***F. March***

<b>Argued</b>	<b>Docket</b>	<b>Case Name</b>	<b>Court</b>	<b>Decided</b>	<b>Vote</b>	<b>Author</b>	<b>Holding</b>
3/17/2008	07-440	Rothgery v. Gillespie County (Tex.)	CA5	6/23/2008	8-1	Souter	Vacated & Remanded; 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, regardless of whether a prosecutor is aware of or involved in the proceeding.



3/17/2008	06-1204	The Republic of the Philippines v. Pimentel	CA9	6/12/2008	7-2	Kennedy	Reversed & Remanded; Federal Rule of Civil Procedure 19 requires dismissal of an interpleader action initiated to settle ownership of some \$35 million allegedly wrongfully taken by former Philippine President Ferdinand Marcos.
3/18/2008	07-290	District of Columbia v. Heller	CADC	6/26/2008	5-4	Scalia	Affirmed; The Second Amendment protects an individual right to possess a firearm for traditionally lawful purposes, such as self-defense within the home.
3/19/2008	06-939	Chamber of Commerce v. Brown	CA9	6/19/2008	7-2	Stevens	Reversed & Remanded; National Labor Relations Act preempts a California law against employers' use of state money to influence employees' views on unions.
3/19/2008	06-1717	Richlin Security Service v. Chertoff	CAFC	6/2/2008	9-0	Alito	Reversed & Remanded; A prevailing party that satisfies the other requirements of the Equal Access to Justice Act may recover its paralegal fees, not only attorneys' fees, from the Government at prevailing market rates.
3/24/2008	07-308	United States v. Clintwood Elkhorn Mining	CAFC	4/15/2008	9-0	Roberts	Reversed; 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.
3/24/2008	07-77	Riley v. Kennedy	M.D. Ala.	5/27/2008	7-2	Ginsburg	Reversed & Remanded; Under Section 5 of the Voting Rights Act, a precleared Alabama election law later struck down by the state Supreme Court never gained "force or effect," so the state's reversion to the prior scheme did not constitute a "change" requiring fresh preclearance.
3/24/2008	06-11429	Burgess v. United States	CA4	4/16/2008	9-0	Ginsburg	Affirmed; 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.

3/25/2008	07-455	United States v. Ressam	CA9	5/19/2008	8-1	Stevens	Reversed; The federal provision criminalizing the carrying of an explosive "during" the commission of a felony only requires a defendant to carry the explosives at the time of the felony, not necessarily "in relation to" the felony.
3/25/2008	06-1666 / 07 - 394	Munaf v. Geren / Geren v. Omar	CADC	6/12/2008	9-0	Roberts	Vacated & Remanded; While the federal habeas statute extends to U.S. citizens held overseas by U.S. forces operating subject to a U.S. chain of command, federal district courts may not exercise their habeas jurisdiction to enjoin the U.S. from transferring individuals alleged to have committed crimes and detained within the territory of a foreign sovereign to that sovereign for criminal prosecution.
3/26/2008	07-312	Florida Department of Revenue v. Picadilly Cafeterias	CA11	6/16/2008	7-2	Thomas	Reversed & Remanded; The stamp-tax exemption of 11 USC 1146(a) does not apply to transfers made before a plan is confirmed under Chapter 11.
3/26/2008	07-208	Indiana v. Edwards	State (IN)	6/19/2008	7-2	Breyer	Affirmed; States may require defendants found competent enough to stand trial, but whose mental illnesses may prevent them from representing themselves, to be represented by counsel.

## ***G. April***

<b>Argued</b>	<b>Docket</b>	<b>Case Name</b>	<b>Court</b>	<b>Decided</b>	<b>Vote</b>	<b>Author</b>	<b>Holding</b>
4/14/2008	07-210	Bridge v. Phoenix Bond & Immunity	CA7	6/9/2008	9-0	Thomas	Affirmed; A plaintiff asserting a RICO 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.
4/14/2008	07-411	Plains Commerce Bank. v. Long Island Family Land & Cattle	CA8	6/25/2008	5-4	Roberts	Reversed; The Tribal Court did not have jurisdiction to adjudicate a discrimination claim concerning a non-Indian Bank's sale of its fee land.

4/15/2008	06-7517	Irizarry v. United States	CA11	6/12/2008	5-4	Stevens	Affirmed; Federal Rule of Criminal Procedure 32(h), which requires courts to notify defendants when it contemplates departures from the applicable sentencing range, does not apply to mere variances from the recommended guidelines range.
4/15/2008	07-330	Greenlaw v. United States	CA8	6/23/2008	7-2	Ginsberg	Vacated & Remanded; Absent an appeal or cross-appeal by the government, courts of appeal cannot on their own initiative order an increase in a defendant's sentence.
4/16/2008	07-343	Kennedy v. Louisiana	State (LA)	6/25/2008	5-4	Kennedy	Reversed & Remanded; Under the Eighth Amendment, states may not impose 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.
4/16/2008	07-371	Taylor v. Sturgell	CADC	6/12/2008	9-0	Ginsburg	Vacated & Remanded; Federal courts may not bind nonparties by a judgment on the theory that they were "virtually represented" by a similar previous party.
4/21/2008	07-474	Engquist v. Oregon Department of Agriculture	CA9	6/9/2008	6-3	Roberts	Affirmed; The class-of-one theory of equal protection -- under the which the petitioner alleged she was fired simply for arbitrary, vindictive, and malicious reasons -- does not apply in the public employment context.
4/21/2008	07-552	Sprint v. APCC Services	CADC	6/23/2008	5-4	Breyer	Affirmed; 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.
4/22/2008	07-6053	Giles v. California	State (CA)	6/25/2008	6-3	Scalia	Vacated & Remanded; Because such an exception was not established at the time of the founding, a criminal defendant does not "forfeit" his right to cross-examine a witness against him whom he killed in advance of trial.

4/22/2008	07-320	Davis v. FEC	DDC	6/26/2008	5-4	Alito	Reversed & Remanded; Both the contribution limits and the disclosure requirements of the so-called "Millionaires' Amendment" to the Bipartisan Campaign Reform Act of 2002 violate the First Amendment.
4/23/2008	06-1505	Meacham v. Knolls Atomic Power Lab	CA2	6/19/2008	7-1	Souter	Vacated & Remanded; When an employer engages in business practices that place a disproportionate burden on older workers, the employer bears the burden of persuasion of showing that its action was based on reasonable factors other than age.
4/23/2008	06-923	Metlife v. Glenn	CA6	6/19/2008	6-3	Breyer	Affirmed; A company that both administers and funds a benefit plan operates under a conflict of interest that must be considered as a factor in a court's review of claim denials.