

Supreme Court Review
Federal Bar Association
San Diego, California

July 22, 2024

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October Term 2023

I. Abortion

Food and Drug Administration v. Alliance for Hippocratic Medicine, 144 S.Ct. 1540 (2024). Plaintiffs lack Article III standing to challenge the Food and Drug Administration’s regulatory actions regarding mifepristone.

Moyle v. United States, 144 S.Ct. ____ (decided June 27, 2024). Certiorari improvidently granted as to whether the Supreme Court should stay the order by the U.S. District Court for the District of Idaho enjoining the enforcement of Idaho’s Defense of Life Act, which prohibits abortions unless necessary to save the life of the mother, on the ground that the Emergency Medical Treatment and Labor Act preempts it.

II. Administrative law

Loper Bright Enterprises v. Raimondo, 144 S.Ct. ____ (decided June 28, 2024). The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; Chevron is overruled

Securities and Exchange Commission v. Jarkesy, 144 S.Ct. ____ (decided June 27, 2024). The statutory provisions that empower the Securities and Exchange Commission to initiate and adjudicate administrative enforcement proceedings seeking civil penalties violate the Seventh Amendment.

III. Criminal law

Grants Pass v. Johnson, 144 S.Ct. ____ (decided June 28, 2024). The enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment.

Erlinger v. United States, 144 S.Ct. ____ (decided June 21, 2024). Unanimous jury must make determination that defendant's past offenses were committed on separate occasions for Armed Career Criminal Act purposes.

IV. First Amendment – speech

Lindke v. Freed, 144 S.Ct. 756 (2024). A public official who prevents someone from commenting on the official’s social-media page engages in state action under 42 U.S.C. § 1983 only if the official both (1) possessed actual authority to speak on the state’s behalf on a particular matter, and (2) purported to exercise that authority when speaking in the relevant social-media posts.

National Rifle Association of America v. Vullo, 144 S.Ct. 1316 (2024).

Whether the First Amendment allows a government regulator to threaten regulated entities with adverse regulatory actions if they do business with a controversial speaker, as a consequence of (a) the government’s own hostility to the speaker’s viewpoint or (b) a perceived “general backlash” against the speaker’s advocacy.

Murthy v. Missouri, 144 S.Ct. ____ (decided June 26, 2024). Challengers lack standing to challenge Biden administration policy of encouraging internet and social media companies to take down false speech.

Moody v. NetChoice, LLC, 144 S.Ct. ____ (decided July 1, 2024). Neither the U.S. Courts of Appeals for the 11th Circuit nor the 5th Circuit conducted a proper analysis of the facial First Amendment challenges to the Florida and Texas laws regulating large internet platforms.

V. Second Amendment

U.S. v. Rahimi, 144 S.Ct. ____ (decided June 21, 2024). When an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment.

VI. Donald Trump litigation

Trump v. Anderson, 144 S.Ct. 662 (2024). Because the Constitution makes Congress, rather than the states, responsible for enforcing Section 3 of the 14th Amendment against federal officeholders and candidates, the Colorado Supreme Court erred in ordering former President Donald Trump excluded from the 2024 presidential primary ballot.

Trump v. United States, 144 S.Ct. ____ (decided July 1, 2024). The nature of presidential power entitles a former president to absolute immunity from criminal prosecution for actions within his conclusive and preclusive constitutional authority; he is also entitled to at least presumptive immunity from prosecution for all his official acts; there is no immunity for unofficial acts.