

The Supreme Court - February 15, 2019

This afternoon, the Supreme Court of the United States granted certiorari in the following case:

Department of Commerce v. New York, No. 18-966: 1) Whether the district court erred in enjoining the Secretary of Commerce from reinstating a question about citizenship to the 2020 decennial census on the ground that the Secretary's decision violated the Administrative Procedure Act (APA), 5 U.S.C. §701 et seq. 2) Whether, in an action seeking to set aside agency action under the APA, a district court may order discovery outside the administrative record to probe the mental processes of the agency decisionmaker—including by compelling the testimony of high-ranking Executive Branch officials—without a strong showing that the decisionmaker disbelieved the objective reasons in the administrative record, irreversibly prejudged the issue, or acted on a legally forbidden basis. This case will be heard on an expedited basis, with oral argument in April.

Related Capabilities

- Appellate
- Immigration