

The Supreme Court – June 14, 2022

by Ian Blodger

Yesterday, the Supreme Court of the United States issued five decisions:

Kemp v. United States, No. 21-5726: This case concerns whether the word “mistake” in Rule 60(b)(1) of the Federal Rules of Civil Procedure applies to a judge’s error of law. Rule 60 authorizes a district court to reopen a judgment on account of “mistake, inadvertence, surprise, or excusable neglect.” Lower courts have been split on whether the word “mistake” includes legal errors by a judge. Today, in an 8-1 opinion authored by Justice Thomas, the Court held that a “mistake,” in this context, does include a judge’s error of law. Justice Sotomayor concurred, emphasizing limits on the Court’s decision. Justice Gorsuch dissented.

View the Court's [decision](#).

Denezpi v. United States, No. 20-7622: Petitioner Merle Denezpi pleaded guilty to several crimes that occurred on the Ute Mountain Ute Reservation. Denezpi’s plea took place in a CFR Court, a court which administers justice for Indian tribes without established tribal courts. After he was sentenced in the CFR court, he was subsequently charged and convicted in federal district court for conduct arising out of the same circumstances that formed the basis of his initial plea. Denezpi argued the Double Jeopardy Clause precluded his second conviction, but the district court disagreed, and the Tenth Circuit affirmed. The Supreme Court, in a decision authored by Justice Barrett, held the Double Jeopardy Clause does not bar successive prosecutions of distinct offenses arising from a single act, even if a single sovereign prosecutes them. Justice Gorsuch dissented, joined in part by Justices Sotomayor and Kagan.

View the Court's [decision](#).

ZF Automotive US, Inc. v. Luxshare, Ltd., No. 21-401: This consolidated case concerns the interpretation of 28 U.S.C. §1782, a statute that allows district courts to order the production of evidence “for use in a proceeding in a foreign or international tribunal.” The petitioners argued that the statute authorized discovery of evidence for

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use in international arbitrations. In a unanimous decision authored by Justice Barrett, the Supreme Court held that only a governmental or intergovernmental adjudicative body constitutes a “foreign or international tribunal” under 28 U.S.C. §1782, and the arbitration panels at issue in these cases do not qualify.

View the Court's [decision](#).

Garland v. Gonzalez, No. 20-322, and **Johnson v. Arteaga-Martinez**, No. 19-896: Both cases involve noncitizens who were ordered deported but claimed “withholding” protection, a form of relief that prevents removal of noncitizens to their home country. It can take months to resolve a claim for “withholding,” raising the issue of whether bond is permitted pending resolution. In *Johnson*, in an opinion by Justice Sotomayor, the Court held that the relevant provision of the Immigration and Nationality Act (INA) does not obligate the government to provide bond hearings after six months of detention. Seven other justices joined Sotomayor’s opinion in full. Justice Breyer concurred in part and dissented in part. The other case, *Garland*, involved a district court that had certified a class of noncitizens seeking “withholding” and enjoined the government from detaining the class members for more than 180 days without providing each a bond hearing. In an opinion by Justice Alito, the Court held that the INA bars class-wide injunctive relief. Justice Sotomayor (joined in full by Justice Kagan and in part by Breyer) concurred in part and dissented in part.

View the Court's *Garland v. Gonzalez* [decision](#).

View the Court's *Johnson v. Arteaga-Martinez* [decision](#).