

The Supreme Court - June 8, 2020

Today, the Supreme Court of the United States issued the following opinion:

Lomax v. Ortiz-Marquez, No. 18-8369: Petitioner Arthur J. Lomax is an inmate who filed this *in forma pauperis* (“IFP”) lawsuit against prison officials for his expulsion from a sex-offender treatment program. The District Court dismissed the suit under the Prison Litigation Reform Act of 1995’s “three-strikes rule,” which prevents a prisoner from bringing an IFP suit (*i.e.*, without first paying the filing fee), if he has three or more prior suits “dismissed on the ground that [they were] frivolous, malicious, or fail[ed] to state a claim upon which relief could be granted.” 28 U.S.C. §1915(g). The Tenth Circuit affirmed, rejecting Lomax’s argument that two of his prior lawsuits did not count as strikes because they were dismissed for failure to state a claim, but without prejudice. Today, the Court affirmed, holding that the broad language of Section 1915(g) applies to dismissals issued both with and without prejudice to a plaintiff’s ability to reassert his claim in a later action. Justice Kagan issued the opinion for the Court, which was unanimous with the sole exception of Justice Thomas declining to join footnote 4 of the opinion, which noted that Section 1915(g) does not apply when a court gives a plaintiff leave to amend his complaint.

The Court’s decision is available [here](#).

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

Niz-Chavez v. Barr, No. 19-863: In an immigration-related case involving the “stop-time rule” as applied to cancellation of removal, the issue is whether, to serve notice in accordance with 8 U.S.C. §1229(a) and trigger the stop-time rule, the government must serve a specific document that includes all the information identified in Section 1229(a), or whether the government can serve that information over the course of as many documents and as much time as it chooses.

Related Capabilities

- Appellate
- Immigration

