

The Supreme Court - October 19, 2020

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

Trump v. Sierra Club, No. 20-138: This case concerns the Acting Secretary of Defense's transfer of funds pursuant to Section 8005 of the Defense Appropriations Act to make funds available to construct border fences along the southern border of the United States. Section 8005 authorizes the Secretary of Defense to transfer certain appropriated funds between Department of Defense ("DoD") appropriations accounts upon determination that such action is necessary in the national interest, and subject to a proviso setting forth certain limitations on such transfers. The petition presents the following questions: 1) Whether respondents have a cognizable cause of action to obtain review of the Acting Secretary's compliance with Section 8005's proviso in transferring funds internally between DoD appropriations accounts. 2) Whether the Acting Secretary exceeded his statutory authority under Section 8005 in making the transfers at issue.

Wolf v. Innovation Law Lab, No. 19-1212: This case presents the following questions regarding the Department of Homeland Security's policy known as the Migrant Protection Protocols ("MPP"), which applies to aliens who have no legal entitlement to enter the United States but who depart from a third country and transit through Mexico to reach the United States land border: 1) Whether MPP is a lawful implementation of the statutory authority conferred by 8 U.S.C. §1225(b)(2)(C). 2) Whether MPP is consistent with any applicable and enforceable non-refoulement obligations. 3) Whether MPP is exempt from the Administrative Procedure Act's requirement of notice-and-comment rulemaking. 4) Whether the district court's universal preliminary injunction is impermissibly overbroad.

Lange v. California, No. 20-18: Does pursuit of a person who a police officer has probable cause to believe has committed a misdemeanor categorically qualify as an exigent circumstance sufficient to allow the officer to enter a home without a warrant?

Related Capabilities

- Appellate
- Immigration

