

The Supreme Court Update - April 17, 2024

by Ian Blodger, Jessica M. Leano, and Brock Huebner

The Supreme Court of the United States issued two decisions on Tuesday, April 16:

Rudisill v. McDonough, No. 22-888: This case concerns the interaction between two federal statutes providing up to 36 months of educational benefits to veterans: the Montgomery GI Bill Act of 1984, for military service between 1985 and 2030 ("Montgomery GI Bill"), and the Post-9/11 Veterans Educational Assistance Act of 2008, for service after September 11, 2001 ("Post-9/11 GI Bill"). Congress limited the benefits available to veterans whose service qualifies for benefits under both bills, capping benefits at either a total of 48 months for both bills together, or a shorter 36-month limit if the veteran elects to exchange the Montgomery GI Bill benefits for the more generous Post-9/11 Bill benefits. 38 U.S.C. § 3327. U.S. Army and Army National Guard veteran David Rudisill's military service qualified him for benefits under both bills, but the Department of Veterans Affairs determined Rudisill's use of the Montgomery GI Bill for his college education served as an election under Section 3327, thus removing his ability to receive 48 months of combined benefits under both bills. In a 7-2 decision authored by Justice Jackson, the Court relied on the statutory text of the bills to hold that service members like Rudisill who qualify for both bills can receive the full 48 months of combined coverage, regardless of the order in which they request the benefits. Justice Kavanaugh filed a concurrence joined by Justice Barrett. And Justice Thomas authored a dissent joined by Justice Alito.

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

Devillier v. Texas, No. 22-913: This case addresses the ability of private persons to sue states for alleged violations of the Fifth Amendment's Takings Clause. After the State of Texas installed flood control infrastructure, nearby landowners' property was damaged when rainfall and stormwater was diverted to their land. The landowners sued Texas, claiming they were owed just compensation because the diversion of the water constituted a "taking" of their land for government use. After Texas removed the lawsuits

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to federal court, the Fifth Circuit dismissed the claims, holding that the Takings Clause alone does not provide a cause of action to sue a state. In a 9-0 opinion authored by Justice Thomas, the Court determined that it need not resolve the question of whether the Takings Clause alone creates a cause of action because the landowners in this lawsuit can pursue their claims for just compensation under a Texas state law.

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

Today, the Court issued an additional two decisions:

Muldrow v. City of St. Louis, No. 22-193: This civil rights and employment law case addresses the scope of Title VII protections against alleged discriminatory conduct arising from job transfers. The petitioner, Sergeant Jatonya Clayborn Muldrow, claims her employer transferred her from one job to another because she is a woman. She filed a Title VII suit, alleging that she suffered sex discrimination with respect to the “terms [or] conditions” of her employment. 42 U.S.C. §2000e–2(a)(1). The lower courts rejected Muldrow’s claim because the transfer did not cause her a “significant” employment disadvantage. Today, in an opinion authored by Justice Kagan, the Court reversed and “disapprove[d]” of the “significant” employment disadvantage standard for addressing Title VII suits arising from job transfers. As the Court explained, “[a]lthough an employee must show some harm from a forced transfer to prevail in a Title VII suit, she need not show that the injury satisfies a significance test.” Three justices—Thomas, Alito, Kavanaugh—filed separate opinions concurring in the judgment.

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

McIntosh v. United States, No. 22-7386: This case involves the procedural requirements for criminal forfeiture. Federal Rule of Criminal Procedure 32.2(b)(2)(B) generally requires that a preliminary order of forfeiture be entered prior to sentencing to provide an opportunity to revise the order before it is finalized. In this case, the government’s indictment included a demand for forfeiture of the defendant’s car and \$75,000, but there was no preliminary forfeiture order prior to the court imposing forfeiture at the post-conviction sentencing hearing. The government supplemented the record on appeal with a written order of forfeiture, but the defendant argued that the failure to comply with Rule 32.2(b)(2)(B) barred any final forfeiture order. Today, in a unanimous decision authored by Justice Sotomayor, the Court held that Rule 32.2(b)(2)(B) is a “time-related directive” rather than a “mandatory claim-processing rule.” Accordingly, the failure to meet the Rule’s requirements can be excused subject to harmless-error review. The defendant’s failure to show prejudice in this case allowed the forfeiture to proceed.

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