

The Supreme Court Update - April 19, 2023

by Brock Huebner

Today, the Supreme Court of the United States issued three decisions:

MOAC Mall Holdings LLC v. Transform Holdco LLC, No. 21-1270: This bankruptcy case involved the interpretation of Bankruptcy Code § 363(m) and its intersection with an appellate court's jurisdiction. The question was whether § 363(m) limits an appellate court's jurisdiction over any bankruptcy sale order or order deemed "integral" to a sale order, such that it is not subject to waiver, and even when a remedy could be fashioned that does not affect the validity of the sale. Today, in a 9-0 decision authored by Justice Jackson, the Court held that "§ 363(m) is not a jurisdictional provision" because Congress did not clearly state that the statute is.

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

Reed v. Goertz, No. 21-442: This criminal procedure case addressed the statute of limitations for prisoners challenging the constitutionality of state-provided DNA testing procedures. Rodney Reed was convicted and sentenced to death in Texas state court for a 1996 murder. In 2014, Reed sought DNA testing on certain evidence under Texas's post-conviction DNA testing law. The state trial court denied his motion for testing after concluding the evidence at issue was not preserved through a proper chain of custody. The Texas Court of Criminal Appeals affirmed and subsequently denied a motion for rehearing. Reed later filed a 42 U.S.C. § 1983 suit in federal court claiming that the Texas law's chain of custody procedures violated his Constitutional procedural due process rights. This federal suit was dismissed for failure to comply with the two-year statute of limitations in § 1983, because the lower court held that the statute of limitations started to run when Reed's motion was originally denied by the state trial court. In a 6-3 decision authored by Justice Kavanaugh, the Court reversed the dismissal and held that the statute of limitations for a § 1983 claim against a state-provided litigation process begins when the state litigation ends, not upon the initial ruling by a state trial court. The Court reasoned that because Reed's due process claim challenged state procedures governing both trial and appellate court proceedings, Reed's claim was not a "complete

Related People

- Brock Huebner

Related Capabilities

- Appellate

and present cause of action” until the state appellate review process was concluded. Justice Thomas dissented, arguing that federal courts lack jurisdiction to review state court judgments. Justice Alito, joined by Justice Gorsuch, separately dissented on the merits of the Court’s statute of limitations analysis.

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

Turkiye Halk Bankasi A.S. v. United States, No 21-1450: This case concerned the federal government’s prosecution of a Turkish state-backed bank for allegedly helping Iran evade U.S. sanctions. The bank moved to dismiss the indictment arguing that, as an instrumentality of a foreign state, it was immune from criminal prosecution under the Foreign Sovereign Immunities Act of 1976 (“Act”). The district court denied the motion, and the Second Circuit affirmed. Today, in a 7-2 decision authored by Justice Kavanaugh, the Court held that the district court has jurisdiction over the criminal prosecution of the bank. Among other things, the Court held that the “Act does not provide foreign states and their instrumentalities with immunity from criminal proceedings.” However, instead of affirming the Second Circuit, the Court remanded to allow the bank to pursue other immunity theories. Justice Gorsuch, joined by Justice Alito, filed an opinion concurring in part and dissenting in part.

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