

The Supreme Court Update - April 22, 2024

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

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

Garland v. VanDerStok, No. 23-852: This administrative law and statutory interpretation case concerns the federal government's ability to regulate "ghost guns" via the Gun Control Act of 1968 (the "1968 Act"). The Fifth Circuit struck down a 2022 U.S. Bureau of Alcohol, Tobacco, and Firearms regulation after concluding that the 1968 Act's plain meaning of "firearm" did not include kits to assemble firearms. The questions presented are: (1) Whether "a weapon parts kit that is designed to or may readily be completed, assembled, restored, or otherwise converted to expel a projectile by the action of an explosive" under 27 C.F.R. § 478.11 is a "firearm" regulated by the 1968 Act; and (2) whether "a partially complete, disassembled, or nonfunctional frame or receiver" that is "designed to or may readily be completed, assembled, restored, or otherwise converted to function as a frame or receiver" under 27 C.F.R. § 478.12(c) is a "frame or receiver" regulated by the 1968 Act.

Lackey v. Stinnie, No. 23-621: This case addresses the circumstances when a "prevailing party" is entitled to attorneys' fees in a civil rights lawsuit via 42 U.S.C. § 1988. In this case, the plaintiff obtained a preliminary injunction against the enforcement of a Virginia statute after the district court concluded the plaintiff was likely to succeed on the merits. However, the law was repealed before the case went to trial. The questions presented are: (1) Whether a party must obtain a ruling that conclusively decides the merits in its favor, as opposed to merely predicting a likelihood of later success, to prevail on the merits under 42 U.S.C. § 1988; and (2) whether a party must obtain an enduring change in the parties' legal relationship from a judicial act, as opposed to a non-judicial event that moots the case, to prevail under Section 1988.

Related People

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Related Capabilities

- Appellate