

The Supreme Court Update - April 29, 2024

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

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

Medical Marijuana, Inc. v. Horn, No. 23-365: This case involves interpretation of the Racketeer Influenced and Corrupt Organizations Act (RICO). RICO permits a plaintiff “injured in his business or property by reason of” the defendant’s racketeering activity to sue for treble damages and attorneys’ fees. 18 U.S.C. § 1964(c). The circuits are divided on whether economic damages arising from personal injuries—like lost wages—support civil RICO liability. The question presented is: Whether economic harms resulting from personal injuries are injuries to “business or property by reason of” the defendant’s acts for purposes of a civil treble-damages action under RICO.

Royal Canin U.S.A., Inc. v. Wulfschleger, No. 23-677: This case addresses the ability of a plaintiff, in an action removed to federal court on the basis of federal-question jurisdiction under 28 U.S.C. § 1331, to compel a remand to state court by amending the complaint to omit federal questions. The questions presented are: (1) Whether a post-removal amendment of a complaint to omit federal questions defeats federal-question subject matter jurisdiction pursuant to 28 U.S.C. § 1331; and (2) whether such a post-removal amendment of a complaint precludes a district court from exercising supplemental jurisdiction over the plaintiff’s remaining state-law claims pursuant to 28 U.S.C. § 1367.

Bufkin v. McDonough, No. 23-713: This case involves a veteran’s benefit claim for post-traumatic stress disorder. The question presented is: Whether the U.S. Court of Appeals for Veterans Claims must ensure that the benefit-of-the-doubt rule in 38 U.S.C. § 5107(b) was properly applied during the claims process in order to satisfy 38 U.S.C. § 7261(b)(1), which directs the court to “take due account” of the Department of Veterans Affairs’ application of that rule.

Bouarfa v. Mayorkas, No. 23-583: This immigration case concerns the availability of judicial review of certain proceedings under the Immigration and Nationality Act (INA).

Related People

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Related Capabilities

- Appellate

Congress has provided that “no court shall have jurisdiction to review” certain enumerated immigration decisions, as well as “any other decision or action” by the Secretary of Homeland Security “the authority for which is specified” to be in his “discretion” under Title II of the INA, 8 U.S.C. § 1101 et seq.; 8 U.S.C. § 1252(a)(2)(B)(ii). The question presented is: Whether a visa petitioner may obtain judicial review when an approved petition is revoked on the basis of nondiscretionary criteria.