

The Supreme Court Update - December 18, 2024

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

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

Kerr v. Planned Parenthood South Atlantic, No. 23-1275: This case addresses a 5-2 circuit split on whether the Medicaid Act's "any-qualified-provider" provision, 42 U.S.C. § 1396a(a)(23)(A), creates a private right of action for a Medicaid beneficiary that can be enforced through a claim under 42 U.S.C. § 1983 for a federal civil rights violation. Under the "any-qualified-provider" provision, plans "must" allow "any individual eligible for medical assistance" to obtain "assistance from any [provider] qualified to perform the service ... who undertakes to provide" it. The question presented is: Whether the Medicaid Act's "any-qualified-provider" provision unambiguously confers a private right upon a Medicaid beneficiary to choose a specific provider.

TikTok, Inc. v. Garland, Firebaugh v. Garland, Nos. 24-656, 24-657: These consolidated cases address a federal law that would require TikTok to shut down in the United States unless its parent company, ByteDance, can sell TikTok by January 19, 2025. The Protecting Americans from Foreign Adversary Controlled Applications Act (the "Act"), enacted by Congress and signed by President Joe Biden earlier this year, identifies China and three other countries as the United States' "foreign adversaries" and bans the use of apps controlled by those countries. TikTok and ByteDance, as well as content creators, filed applications for an injunction blocking the Act's enforcement pending the Court's review, which the Court agreed to treat as petitions for writ of certiorari. The Court then granted the petitions and directed briefing and argument on the issue of: Whether the Protecting Americans from Foreign Adversary Controlled Applications Act, as applied to the petitioners, violates the First Amendment.

Related People

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