

The Supreme Court Update - December 9, 2022

by Ian Blodger

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

Coinbase, Inc. v. Bielski, No. 22-105: This case presents an issue of federal arbitration law. The question presented is: Whether a non-frivolous appeal of the denial of a motion to compel arbitration ousts a district court's jurisdiction to proceed with litigation pending appeal.

Poliselli v. Internal Revenue Service, No. 21-1599: This case concerns the Internal Revenue Service's power to proceed with summonses seeking financial records from third-party recordkeepers, without notification to the delinquent taxpayer. The question presented is: Whether the exception in I.R.C. § 7609(c)(2)(D)(i) to the notice requirements for an Internal Revenue Service summons on third-party recordkeepers applies only when the delinquent taxpayer owns or has a legal interest in the summonsed records, as the U.S. Court of Appeals for the 9th Circuit has held, or whether the exception applies to a summons for anyone's records whenever the IRS thinks that person's records might somehow help it collect a delinquent taxpayer's liability, as the U.S. Courts of Appeals for the 6th and 7th Circuits have held.

United States v. Hansen, No. 22-179: This immigration case involves a First Amendment challenge to a law prohibiting individuals from encouraging illegal immigration. The question presented is: Whether the federal criminal prohibition against encouraging or inducing unlawful immigration for commercial advantage or private financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) and (B)(i), is facially unconstitutional on First Amendment overbreadth grounds.

Lora v. United States, No. 22-49: This case presents an issue of federal criminal sentencing. The question presented is: Whether 18 U.S.C. § 924(c)(1)(D)(ii), which provides that "no term of imprisonment imposed ... under this subsection shall run concurrently with any other term of imprisonment," is triggered when a defendant is convicted and sentenced under 18 U.S.C. § 924(j).

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