

The Supreme Court Update - February 25, 2025

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

The Supreme Court of the United States issued two decisions today:

Lackey v. Stinnie, No. 23-621: This case clarifies when attorneys' fees may be awarded to a "prevailing party" in a civil rights lawsuit via 42 U.S.C. § 1988(b). In this case, the plaintiffs obtained a preliminary injunction against the enforcement of a Virginia statute after the district court concluded the plaintiffs were likely to succeed on the merits. The law was subsequently repealed before trial and the case was dismissed as moot. In an *en banc* decision, the Fourth Circuit concluded that attorneys' fees were warranted despite the case becoming moot. In a 7-2 decision authored by Chief Justice Roberts, the Court reversed, and held that the plaintiffs' success on a preliminary injunction alone did not permit them to receive attorneys' fees under 42 U.S.C. § 1988(b). Based on precedents interpreting § 1988(b) and the term "prevailing party," the Court determined that due to the temporary nature of preliminary injunctions, they do not "conclusively resolve[]" a party's claim "by granting enduring relief on the merits that alters the legal relationship between the parties," even where external events moot a case prior to adjudication on the merits. Justice Jackson authored a dissent, which was joined by Justice Sotomayor.

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

Glossip v. Oklahoma, No. 22-7466: This case concerns a post-conviction challenge to a criminal defendant's murder conviction. Approximately 20 years ago, a jury convicted Petitioner Richard Glossip of murder and sentenced him to death. Glossip's conviction was largely based on the testimony of co-defendant Justin Sneed. The Oklahoma Court of Criminal Appeals ("OCCA") overturned Glossip's initial conviction. During Glossip's second trial, Sneed's testimony changed significantly. Despite this, Glossip was again convicted and sentenced to death. Glossip brought various post-conviction challenges and maintained that he was innocent of the charges. In 2022, the Oklahoma Legislature commissioned an independent investigation, which identified evidence suggesting that the prosecutor knowingly elicited false testimony from Sneed during Glossip's retrial and

Related People

- Ian Blodger
- Jessica M. Leano
- Brock Huebner

Related Capabilities

- Appellate

failed to correct it. Glossip filed a successive petition for post-conviction relief supported by the Oklahoma attorney general, but the OCCA denied the unopposed petition, holding that Glossip's claims were procedurally barred under state law and that there were no constitutional violations. In a 5-3 decision authored by Justice Sotomayor, the Court held that the Court had jurisdiction to review the case, reversed the OCCA's determination, and determined that the prosecution violated the constitutional obligation to correct false testimony. Justice Barrett filed an opinion concurring in part and dissenting in part, arguing that the Court should have allowed the OCCA to determine whether Sneed's testimony was false. Justice Thomas dissented, joined by Justice Alito and Justice Barrett (in part) arguing that the Court lacked jurisdiction to review Glossip's appeal because state procedural rules provided an adequate and independent state ground that supported the OCCA's decision, and because Sneed's alleged misstatements were not material to the underlying decision. Justice Gorsuch took no part in the decision.

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