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The Supreme Court Update - January 12, 2026

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

On January 9, 2026, the Supreme Court of the United States granted certiorari in five cases:

Cisco Systems, Inc. v. Doe I, No. 24-856: This case involves the Alien Tort Statute ("ATS"), 28 U.S.C. § 1350, and the Torture Victim Protection Act ("TVPA"), 28 U.S.C. § 1350 note. The ATS permits U.S. courts to hear tort claims asserted by foreign plaintiffs against U.S. entities for violations of international law. The TVPA, creates a civil cause of action for damages against "[a]n individual who under actual or apparent authority, or color of law, or any foreign nation … subjects an individual to torture" or "extrajudicial killing." 28 U.S.C. § 1350 note § 2(a)(1)-(2). The respondents in this matter assert that petitioners made lawful sales of internet networking equipment to Chinese government agencies allegedly knowing that Chinese officials would use the equipment to violate international law. The question presented is: Whether the ATS or the TVPA allow a judicially implied private right of action for aiding and abetting.

Federal Communications Commission v. AT&T, Inc.; Verizon Communications Inc. v. Federal Communications Commission, Nos. 25-406, 25-567: These consolidated cases concern the Communications Act of 1934, which authorizes the Federal Communications Commission ("FCC") to assess monetary "forfeiture penalties" against regulated parties for violations of the Communications Act, including for failures to protect certain consumer data. *See, e.g.*, 47 U.S.C. §§ 222, 503, 504. If the FCC imposes a forfeiture and the regulated party declines to pay, the FCC may sue in court, in which case the regulated party would be entitled to a de novo jury trial in federal district court. If, however, the regulated party pays the forfeiture penalty, its only mechanism for challenging the penalty is to appeal to the court of appeals, bypassing a jury altogether. The question presented is: Whether the Communications Act provisions that govern the FCC's assessment and enforcement of monetary forfeitures are consistent with the Seventh Amendment and Article III.

Sripetch v. Securities and Exchange Commission, No. 25-466: This case involves

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the Securities and Exchange Commission's ("SEC") burden of proof in civil enforcement proceedings and concerns a split between federal circuit courts of appeals applying the Supreme Court's precedent in *Liu v. SEC,* 591 U.S. 71 (2020), allowing the SEC to seek equitable "disgorgement" if an award "does not exceed a wrongdoer's net profits." The question presented is: Whether the SEC may seek equitable disgorgement under 15 U.S.C. 78u(d)(5) and (d)(7) without showing investors suffered pecuniary harm.

Bondi v. Lau, No. 25-429: This immigration case, involving sealed Supreme Court filings, presents the question of whether the U.S. Department of Homeland Security can consider a green card holder returning from a trip abroad to be an applicant for admission, rather than admitting him as a lawful permanent resident, based on the individual's then-pending criminal charges.