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The Supreme Court Update - January 18, 2024

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

On Friday, January 12, the Supreme Court of the United States granted certiorari in five cases:

Smith v. Spizzirri, No. 22-1218: This case involves the interpretation of Section 3 of the Federal Arbitration Act ("FAA"), which states that where a dispute is subject to arbitration, the court "shall on application of one of the parties stay the trial of the action" until the arbitration has concluded. The question presented is: Whether Section 3 of the FAA requires district courts to stay a lawsuit pending arbitration, or whether district courts have discretion to dismiss when all claims are subject to arbitration.

Starbucks Corp. v. McKinney, No. 23-367: This labor law case arises out of an National Labor Relations Board ("NLRB") lawsuit accusing Starbucks of firing employees in response to union activity. The NLRB sought an injunction under Section 10(j) of the National Labor Relations Act ("NLRA") to force Starbucks to rehire the workers pending resolution of the lawsuit. The question presented is: Whether courts must evaluate Section 10(j) injunction requests using the traditional, stringent, four-factor test for preliminary injunctions or some other more lenient standard.

Grants Pass, Oregon v. Johnson, No. 23-175: This case concerns the Eighth Amendment's prohibition on cruel and unusual punishments. The question presented is: Whether the enforcement of generally applicable laws regulating camping on public property constitutes "cruel and unusual punishment" prohibited by the Eighth Amendment.

Williams et al. v. Washington, No. 23-191: This case arises out of an action filed by Alabama unemployment benefits claimants against the Alabama Department of Labor. The claimants alleged that the Department delayed the processing of their unemployment compensation claims, in violation of their due process and Social Security Act rights. The question presented is: Whether exhaustion of state administrative

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remedies is required to bring claims under 42 U.S.C. § 1983 in state court.

Department of State v. Muñoz, No. 23-334: This case concerns a consular officer's denial of an immigrant visa in a written notice citing 8 U.S.C. § 1182(a)(3)(A)(ii), the provision making a noncitizen inadmissible if the officer believes that he will engage in "unlawful activity" in the United States. The questions presented are: (1) Whether denying a visa to a U.S. citizen's noncitizen spouse impinges upon a constitutionally protected interest of the citizen and, (2) Whether, assuming such a constitutional interest exists, notifying a visa applicant that he was deemed inadmissible under § 1182(a)(3)(A)(ii) suffices to provide any process that is due.