

The Supreme Court Update - June 12, 2025

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

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

Parrish v. United States, No. 24-275: This case addresses the procedural requirements for filing a notice of appeal after the original deadline to appeal has lapsed when the appellant has filed a motion to reopen the time to appeal under 28 U.S.C. § 2107(c). Petitioner Donte Parrish brought a lawsuit while he was an inmate in a federal prison. The district court dismissed his suit, but because Parrish was transferred to a different state prison, Parrish did not receive notice of the adverse decision until after the deadline to file an appeal had lapsed. Upon receiving the adverse order, Parrish quickly filed a letter with the court explaining his delay, and noting his letter was a notice of appeal. The Fourth Circuit construed the letter as a motion to reopen the time to file an appeal under 28 U.S.C. § 2107(c), and granted Parrish fourteen days to file a notice of appeal. Parrish did not file a second notice of appeal. The Fourth Circuit determined that Parrish was required to file a second notice of appeal within the reopened appeal window, and that the initial notice of appeal was insufficient to grant the Court of Appeals jurisdiction over the case. In a decision authored by Justice Sotomayor, in which Chief Justice Roberts and Justices Alito, Kagan, Kavanaugh, and Barrett joined, the Supreme Court reversed. The Court held that a litigant who files a notice of appeal after the original appeal deadline but before the court grants reopening need not file a second notice after reopening. The original notice relates forward to the date reopening is granted. Justices Jackson and Thomas concurred in judgment. Justice Gorsuch filed a dissenting opinion.

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

Martin v. United States, No. 24-362: This case concerns the scope of liability for federal officers under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2671, and what defenses the government may raise. The FTCA allows those injured by federal employees to sue the United States for damages by waiving the government's sovereign immunity from suit. The FTCA, however, has several exceptions which prohibit lawsuits when they apply. At issue in this case are two exceptions—the intentional tort exception

Related People

- Ian Blodger
- Jessica M. Leano
- Brock Huebner

Related Capabilities

- Appellate

and the discretionary function exception. The intentional tort exception prohibits claims asserting certain enumerated intentional torts. The intentional tort exception, however is itself subject to a “law enforcement proviso” which countermands the exception and permits suits alleging certain torts (including assault, battery, false imprisonment, and false arrest) against law enforcement officers. The discretionary function exception prohibits claims against the government based on an official’s exercise of discretionary functions. Here, the petitioners sued the United States under the FTCA after the FBI mistakenly raided their house. The district court granted summary judgment to the United States and the Eleventh Circuit affirmed, applying the Circuit’s unique approach to FTCA claims. The Eleventh Circuit applied the “law enforcement proviso” to all FTCA exceptions, not just the intentional tort exception, but permitted the government to assert a type of Supremacy Clause defense at the liability stage permitting the Government to avoid liability where the officer’s actions had some nexus with furthering federal policy. In a unanimous decision authored by Justice Gorsuch, the Supreme Court held that the law enforcement proviso in Section 2680(h) overrides only the intentional-tort exception in that subsection, not the discretionary-function exception or other exceptions throughout Section 2680. The Court further held that the Supremacy Clause does not afford the United States a defense in FTCA suits since the FTCA itself is supreme federal law governing the United States’ tort liability.

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

A.J.T. v. Osseo Area Schools, Independent School District No. 279, No. 24-249:

This case addresses the appropriate standard of review for courts considering discrimination claims based on educational services brought by children with disabilities. In particular, this case concerns the relationship between the generally applicable antidiscrimination protections in Section 504 of the Rehabilitation Act of 1973 (“Rehabilitation Act”) and Title II of the Americans with Disabilities Act (“ADA”), with the education-focused protections in the Individuals with Disabilities Education Act (“IDEA”), which guarantees students a “free appropriate public education.” Petitioner A.J.T. has a severe form of epilepsy, which prevents her from attending school in the mornings. A.J.T.’s previous school provided accommodations that permitted her to receive evening instruction, but when A.J.T.’s family moved, her new school district denied her parents’ repeated requests to provide after-hours instruction. A.J.T.’s parents filed an IDEA complaint against the district, and an administrative law judge concluded that the district violated the IDEA, and ordered that A.J.T. be provided with compensatory education and evening instruction. A.J.T. and her parents then sued the district in federal court under the Rehabilitation Act and ADA, seeking a permanent injunction, costs, and compensatory damages based on the same actions that violated the IDEA. The district court granted, and Eighth Circuit Court of Appeals affirmed, summary judgment for the district, based on Circuit precedent that required a plaintiff to show “bad faith or gross misjudgment” when seeking relief for discrimination relating to their education. In a unanimous decision authored by Chief Justice Roberts, the Supreme Court reversed and held that discrimination claims in the educational context do not require a heightened evidentiary showing, but are instead held to the same standard as all ADA and Rehabilitation Act claims. Justice Thomas (joined by Justice Kavanaugh), and Justice

Sotomayor (joined by Justice Jackson) each filed concurring opinions, separately opining on the proper standard for resolving ADA and Rehabilitation Act discrimination claims.

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

Soto v. United States, No. 24-320: This case addresses whether the Combat Related Special Compensation (“CRSC”) statute, 10 U.S.C. § 1413a, which defines procedures for qualifying veterans to receive compensation for combat-related disabilities, displaced the six-year limitations period provided by the Barring Act, 31 U.S.C. § 3702, a statute providing default rules to settle payment demands made upon the federal government. In a unanimous decision authored by Justice Thomas, the Court held that because the CRSC statute “establishes a self-contained, comprehensive compensation scheme for a narrowly defined group of exceptionally deserving claimants,” and instituted a separate settlement mechanism for CRSC claims, the CRSC statute’s separate settlement procedures, including its limitations period, displaces the Barring Act for CRSC claims.

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

Commissioner of Internal Revenue v. Zuch, No. 24-416: This case involves the United States Tax Court’s jurisdiction over appeals from collection due process hearings when there is no longer an ongoing levy. The Tax Code authorizes the IRS to levy on a taxpayer’s property to collect unpaid taxes. 26 U.S.C. § 6331(a). Before a levy goes forward, the taxpayer has a right to a hearing to dispute issues relating to the levy, and an appeals officer makes a “determination” about whether the levy can proceed. If the officer sustains the levy, the taxpayer can seek review in the Tax Court. Petitioner Jennifer Zuch and her then-husband Patrick Gennardo filed untimely federal tax returns. Gennardo submitted an offer in compromise to resolve outstanding tax liabilities, which implicated tax payments that the couple previously sent to the IRS. The IRS applied those payments to Gennardo’s account. After the IRS informed Zuch that it intended to levy on her property to collect unpaid taxes, Zuch argued that the IRS should have credited the couple’s tax payment to her account. Zuch requested a due process hearing, and an appeals officer sustained the levy. While Zuch’s appeal was pending before the Tax Court, she overpaid her taxes, and the IRS applied the overpayments against her alleged tax liability. Zuch wanted the appeal to continue, disputing the debt that prompted the levy and seeking a refund of her overpayments. The IRS moved to dismiss the proceeding as moot because Zuch no longer owed money and there was no longer any justification for a levy. The Tax Court dismissed the proceeding, finding it had no jurisdiction to determine an overpayment or to refund or credit tax paid. Petitioner appealed to the Third Circuit, which vacated the Tax Court’s dismissal and held that the IRS’s decision not to pursue the levy did not moot the proceedings because the Tax Code authorized a challenge to the existence of the underlying tax liability. In an opinion by Justice Barrett, the Court reversed the Third Circuit, holding that the Tax Court lacks jurisdiction to resolve disputes between a taxpayer and the IRS when the IRS is no longer pursuing a levy. The Tax Court has jurisdiction to “review” an appeals officer’s “determination” in a due process hearing, and “determination” refers to the binary decision whether a levy may proceed. Justice Gorsuch filed a dissenting opinion.

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

Rivers v. Guerrero, No. 23-1345: This case involves whether a second habeas-related submission qualifies as a “second or successive application” when the judgment denying the first application is under review on appeal. Incarcerated individuals who seek to challenge their imprisonment through a federal habeas petition are generally afforded one opportunity to do so under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U.S.C. §§ 2254, 2244. Before a federal court can address a petitioner’s “second or successive” federal habeas filing on the merits, the filer must clear strict procedural hurdles. Petitioner Danny Rivers filed a first federal habeas petition asserting claims of prosecutorial misconduct, ineffective assistance of counsel, and other constitutional violations. The District Court denied the petition, and Rivers appealed to the Fifth Circuit, which granted a certificate of appealability on his ineffective assistance claim. While his appeal was pending, Rivers obtained his trial counsel’s client file, which contained a report Rivera believed had exculpatory information. After the Fifth Circuit denied his request to supplement the record on appeal with this information, Rivers filed a second petition based on this newly-discovered evidence. The District Court classified this filing as a “second or successive” habeas application and transferred it to the Fifth Circuit to determine whether Rivers satisfied the gatekeeping requirements for “second or successive” habeas petitions. Rivers appealed the transfer order. The Fifth Circuit affirmed, finding the fact that Rivers’s first petition was still on appeal did not permit him to circumvent the requirements for successive petitions under § 2244. In a unanimous decision authored by Justice Jackson, the Court affirmed the Fifth Circuit, holding that in general, once the district court has entered its judgment with respect to the first habeas petition, a second-in-time application qualifies as “second or successive” and is thus properly subject to § 2244(b)’s requirements. Whether a filing qualifies as a “second or successive” application generally turns on the existence of a final judgment with respect to the first petition, not the status of any appeal. Drawing the “second or successive” line at the end of appellate review would allow petitioners to file numerous new applications during appeals, prolonging cases and encouraging piecemeal litigation.

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