

The Supreme Court Update - June 18, 2025

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

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

United States v. Skrametti, No. 23-477: This case addresses a constitutional challenge to Tennessee’s Prohibition on Medical Procedures Performed on Minors Related to Sexual Identity, Senate Bill 1 (“SB1”), which prohibits healthcare providers from prescribing, administering, or dispensing puberty blockers or hormones to any minor for the purpose of (1) “[e]nabling a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex,” or (2) “[t]reating purported discomfort or distress from a discordance between the minor’s sex and asserted identity.” Various parties challenged SB1 under the Equal Protection Clause, arguing that it involved suspect classifications that subject SB1 to heightened scrutiny. The district court granted a partial injunction based on this argument, but the Sixth Circuit reversed. In a 6-3 decision authored by Chief Justice Roberts and joined by Justices Thomas, Gorsuch, Kavanaugh, and Barrett, and joined in part by Justice Alito, the Supreme Court held that SB1 is not subject to heightened scrutiny under the Equal Protection Clause and satisfies rational basis review. The Court reasoned that “SB1 does not classify on any basis that warrant heightened review” because its classifications are based on age and medical use, not sex. In other words, “SB1 prohibits healthcare providers from administering puberty blockers and hormones to *minors* for certain *medical* uses, regardless of a minor’s sex.” The Court rejected arguments that SB1 applied classifications based on transgender status, and declined to decide whether classifications based on transgender status were subject to heightened scrutiny. Justice Thomas concurred to address some additional arguments made in defense of SB1. Justice Barrett issued a concurring opinion in which Justice Thomas joined, arguing that transgender status does not constitute a suspect class. Justice Alito concurred, arguing that classifications based on transgender status do not warrant heightened scrutiny. Justice Sotomayor dissented, joined by Justice Jackson and by Justice Kagan in part. Justice Sotomayor argued that SB1 expressly classifies on the basis of sex and transgender status by prohibiting access to medication only where those medications are used in a manner “inconsistent with . . . sex.” In other words, under SB1 a physician “can prescribe hormones and puberty blockers to help a

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male child, but not a female child, look more like a boy; and to help a female child, but not a male child, look more like a girl.”

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

Nuclear Regulatory Commission v. Texas, No. 23-1300: This case involves an attempt by Texas and a Texas-based business to seek review of the Nuclear Regulatory Commission’s (“NRC”) decision to license a Texas temporary nuclear waste storage site. Under the Hobbs Act, only a “party aggrieved” by an NRC licensing order can petition for review in a court of appeals. 28 U.S.C. § 2344. Texas argued it was a “party aggrieved” because it submitted comments to the NRC’s environmental review during the licensing process, and the business argued it was a “party aggrieved” because it petitioned to intervene (but was denied) in the licensing proceedings. The Fifth Circuit agreed, and ultimately vacated the NRC’s licensing decision after concluding it exceeded the NRC’s statutory authority under the Atomic Energy Act of 1954. In a 6-3 decision authored by Justice Kavanaugh, the Supreme Court reversed and held that neither Texas nor the business qualified as a “party aggrieved” and thus the Fifth Circuit had no jurisdiction to review the NRC’s licensing order. The Court held that the Atomic Energy Act’s text limits “parties” to only those entities that are actually admitted to the licensing proceedings, and further held that a non-party may not seek judicial review by arguing its petition to intervene was improperly denied, or that the NRC’s actions were ultra vires. Justice Gorsuch dissented, and was joined by Justices Thomas and Alito.

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

Perttu v. Richards, No. 23-1324: This case addresses whether a party has a right to a jury trial to determine if they satisfied exhaustion requirements imposed by the Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a). The PLRA requires prisoners who file complaints about prison conditions to exhaust administrative remedies before filing suit in federal court. The PLRA, however, does not require exhaustion when a prison administrator threatens inmates to prevent their use of these grievance procedures. In this case, Kyle Richards, an inmate, alleged that a prison employee retaliated against him and destroyed grievance documents Richards attempted to file. Richards initiated a federal lawsuit based on these allegations. The district court dismissed the case based on Richards’ failure to exhaust after determining, without a jury, that testimony about the alleged destruction of the grievance forms was not credible. The Sixth Circuit reversed, concluding that Richards was entitled to have a jury decide issues of exhaustion when they were intertwined with the substantive merits of the claim. In a 5-4 decision authored by Chief Justice Roberts and joined by Justices Sotomayor, Kagan, Gorsuch, and Jackson, the Supreme Court affirmed, holding that parties are entitled to a jury trial on PLRA exhaustion when that issue is intertwined with the merits of a claim that requires a jury trial under the Seventh Amendment. Justice Barrett dissented, joined by Justices Thomas, Alito, and Kavanaugh.

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Oklahoma v. Environmental Protection Agency; PacifiCorp v. Environmental

Protection Agency, Nos. 23-1067, 23-1068; Environmental Protection Agency v.

Calumet Shreveport Refining, L.L.C., No. 23-1229: These decisions address the Clean Air Act (“CAA”) framework for judicial review of Environmental Protection Agency (“EPA”) actions. The CAA channels challenges to EPA actions to the U.S. Court of Appeals for the D.C. Circuit if the actions are “nationally applicable,” and to a regional Circuit if they are “locally or regionally applicable.” 42 U.S.C. § 7607(b)(1). The CAA has an exception for certain “locally or regionally applicable” actions “based on a determination of nationwide scope or effect,” which also must be brought in the D.C. Circuit. *Id.* This exception requires that (1) the action “is based on a determination of nationwide scope or effect,” and (2) the EPA “finds and publishes that such action is based on such a determination.”

Oklahoma addresses the proper venue for review of the EPA’s disapproval of state emissions-control plans. In 2015, the EPA revised the air quality standard for ozone, which triggered the “State implementation plan” (“SIP”) process requiring states to submit proposals on how they would comply with the CAA’s “Good Neighbor” provision that prohibits in-state emissions activity that would interfere with other states’ air quality standard compliance. The EPA aggregated its disapproval of 21 states’ SIPs into an omnibus Federal Register Rule making disapprovals reviewable only in the D.C. Circuit. States challenged the disapprovals in the regional Circuits. Four Circuits found regional review proper, while the Tenth Circuit granted the EPA’s motion to transfer suits by Oklahoma and Utah to the D.C. Circuit. In an 8-0 decision authored by Justice Thomas, the Supreme Court reversed the Tenth Circuit. The SIP approvals were “undisputedly” locally or regionally applicable actions, as an SIP is a state-specific plan and an EPA disapproval on its face applies only to the state that proposed the SIP. The Court then held that the venue exception did not apply. While the Federal Register notice included an express finding by the EPA that SIP disapprovals were based on a determination of nationwide scope or effect, the omnibus rule made clear that the SIP disapprovals were based on “intensely factual determinations particular to each state.” Justice Gorsuch filed a concurrence, joined by Chief Justice Roberts. Justice Alito did not take part in the case.

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

Calumet addresses the proper venue for challenges to the EPA’s denial of biofuel waivers to small refineries. Under the CAA’s renewable fuel program, most domestic refineries must blend specified amounts of ethanol and other renewable fuels into transportation fuels they produce. The CAA has a scheme that allows small refineries to petition the EPA for exemptions based on “disproportionate economic hardship.” The EPA denied 105 petitions based on (1) its interpretation that “disproportionate economic hardship” covers only hardship directly caused by renewable fuel program compliance; and (2) its economic theory that Renewable Identification Number (RIN) costs are fully passed through to consumers, creating a presumption against granting exemptions. Small refineries challenged these denials in multiple regional Circuits, and most Circuits dismissed the challenges for improper venue or transferred them to the D.C. Circuit. The Fifth Circuit retained jurisdiction and ruled on the merits, reasoning that the EPA’s actions were locally applicable because their “legal effect” was limited to the petitioning

refineries, and the actions were not based on determinations of nationwide scope or effect because the EPA examined refinery-specific facts before issuing denials. In a 7-2 decision authored by Justice Thomas, the Supreme Court vacated the Fifth Circuit, finding that the denials are locally or regionally applicable actions that fall within the “nationwide scope or effect” exception and require venue in the D.C. Circuit. The EPA’s denial of a single refinery’s petition applies only to a particular entity in a particular place, making such denials paradigmatically “locally or regionally applicable” actions. The Court then found the “nationwide scope or effect” exception applied because the EPA’s interpretation of “disproportionate economic hardship” and its RIN passthrough theory apply generically to all refineries regardless of geographic location. Justice Gorsuch filed a dissent, joined by Chief Justice Roberts.

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