

The Supreme Court Update - June 2, 2025

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

The Supreme Court of the United States granted certiorari in four cases today:

Bost v. Illinois State Board of Elections, No. 24-568: This case involves an Illinois law that required mail-in ballots to be counted as long as they were postmarked or certified by election day, and received within two weeks of election day. A lawsuit filed by a U.S. Representative and two presidential electors challenging the constitutionality of the law was dismissed for failure to allege injuries sufficient to establish standing. The question presented is: Whether petitioners, as federal candidates, have pleaded sufficient factual allegations to show Article III standing to challenge a state's time, place, and manner regulations concerning their federal elections.

Case v. Montana, No. 24-624: This case concerns the exception to the Fourth Amendment that allows for warrantless entry to a home where an occupant is seriously injured or there is an imminent threat of serious injury. The question presented is: Whether law enforcement may enter a home without a search warrant based on less than probable cause that an emergency is occurring, or whether the emergency-aid exception requires probable cause.

GEO Group, Inc. v. Monocal, No. 24-758: This case concerns the scope of the federal appellate courts' jurisdiction to review collateral orders, which are orders parties may appeal immediately without waiting for a final decision like orders denying claims of absolute immunity, qualified immunity, and state sovereign immunity. The question presented is: Whether an order denying a government contractor's claim of derivative sovereign immunity is immediately appealable under the collateral-order doctrine.

Hencely v. Fluor Corporation, No. 24-924: This case addresses the scope of an exception in the Federal Tort Claims Act ("FTCA"), which immunizes the government for "[a]ny claim arising out of the combatant activities of the military or naval forces . . . during time of war." 28 U.S.C. § 2680(j). The Petitioner, Winston T. Hencely, is a former army specialist that was injured by a suicide bomber, Ahmad Nayeb, in Afghanistan.

Related People

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Related Capabilities

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Nayeb worked for an Army contractor, and an Army investigation determined the primary contributing factor of the attack was the contractor's failure to supervise Nayeb. The Petitioner sued the contractor for negligence under South Carolina law, but the Fourth Circuit held his claims were preempted by the FTCA exception, applying the Supreme Court's decision in *Boyle v. United Technologies Corp.*, 587 U.S. 500 (1988). The question presented is: Should *Boyle* be extended to allow federal interests emanating from the FTCA's combatant-activities exception to preempt state tort claims against a government contractor for conduct that breached its contract and violated military orders.