

The Supreme Court Update - June 22, 2023

by Brock Huebner

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

Arizona v. Navajo Nation, No. 21-1484: This case considered the federal government's obligations related to the Navajo Tribe's access of the Colorado River's water supply. The 1868 treaty establishing the Navajo Reservation implicitly reserved the Tribe's right to use water from the Colorado River and other sources on the reservation. Facing ongoing water scarcity and competition from other states, the Tribe sued the federal government, asserting a breach-of-trust claim from the 1868 treaty and seeking to compel the federal government to take affirmative steps to ensure the Tribe maintained access to sufficient water supply. Several states intervened against the Tribe to assert their competing water rights. Today, in a 5-4 decision authored by Justice Kavanaugh, the Court ruled against the Tribe and held that the 1868 treaty "contained no 'rights-creating or duty-imposing' language that imposed a duty on the United States to take affirmative steps to secure water for the Tribe." Justice Gorsuch dissented and was joined by Justices Sotomayor, Kagan, and Jackson.

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

Pugin v. Garland, No. 22-23: This immigration law and statutory interpretation case resolved a circuit split over which laws qualify as "aggravated felony" offenses "relating to obstruction of justice" that can justify a noncitizen's removal from the United States under 8 U.S.C. §§ 1101(a)(43)(S), 1227(a)(2)(A)(iii). The Ninth Circuit held that a state conviction could only qualify as an offense "relating to obstruction of justice" if there was an investigation or proceeding pending at the time of the offense. The Fourth Circuit reached the opposite conclusion. Today, in a 6-3 decision authored by Justice Kavanaugh, the Court agreed with the Fourth Circuit. The Court relied on an "extensive body of authority—dictionaries, federal laws, state laws, and the Model Penal Code" along with "common sense" to conclude that "individuals can obstruct the process of justice even when an investigation or proceeding is not pending." Justice Jackson filed a separate concurrence and Justice Sotomayor dissented and was joined by Justices

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Gorsuch and Kagan.

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Yegiazaryan v. Smagin, No. 22-381: This case clarified the definition of a “domestic injury” for allegations arising from the Racketeer Influenced and Corrupt Organizations Act (RICO Act). In this case, Vitaly Smagin sued Ashot Yegiazaryan under the RICO Act, claiming Yegiazaryan had engaged in a pattern of wire fraud, witness tampering, and other racketeering acts to avoid paying a prior multimillion dollar arbitration award. The district court dismissed Smagin’s suit for failure to plead a domestic injury. Smagin appealed and the Ninth Circuit overruled the district court’s decision. Today, in a 6-3 decision authored by Justice Sotomayor, the Court upheld the Ninth Circuit’s decision and held that for purposes of the RICO Act, a plaintiff can allege a domestic injury “when the circumstances surrounding the injury indicate it arose in the United States.” In reaching this decision, the Court determined that the domestic injury inquiry is a context specific test that relies heavily on the facts of each case. Therefore, when applying this test, lower courts should look “to the nature of the alleged injury, the racketeering activity that directly caused it, and the injurious aims and effects of that activity.” Justice Alito dissented and was joined by Justices Thomas and Gorsuch.

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

Jones v. Hendrix, No. 21-857: This criminal procedure case addressed whether a federal inmate, who previously collaterally attacked his sentence under 28 U.S.C. § 2255, but not on the grounds that the statute did not criminalize his activity, could apply for habeas relief after the Supreme Court invalidated the circuit precedent on which the inmate relied in previously refraining from challenging his conviction on those grounds. The federal inmate, Marcus Jones, was convicted of two counts of unlawful possession of a firearm by a felon, despite his contended belief that his criminal record had been expunged. After losing an appeal on this conviction, Jones filed a federal habeas petition, which resulted in the vacatur of one of his concurrent sentences. Many years later, the Supreme Court held in *Rehaif v. United States* that the statute under which Jones was convicted required prosecutors to show that a defendant had knowledge of the status which disqualified him from possessing a firearm. After this holding, Jones filed a new federal habeas petition. This was dismissed by the Eastern District of Arkansas and the Eighth Circuit affirmed. Today, in a 6-3 decision authored by Justice Thomas, the Court affirmed. The Court held that a federal prisoner cannot file a second or successive § 2255 motion based on a more favorable interpretation of statutory law adopted after his conviction. Rather, “newly discovered evidence” or “a new rule of constitutional law” is required. Justices Sotomayor and Kagan filed a joint dissent. Justice Jackson filed a separate dissent.

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