

The Supreme Court Update - June 23, 2023

by Brock Huebner

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

United States v. Texas, No. 22-58: This administrative law and separation of powers case addressed the ability of states to sue the executive branch over its national immigration enforcement policy. In 2021, the Secretary of Homeland Security released guidelines that prioritized the arrest and deportation of noncitizens based on individuals' potential threats to border security and public safety (the "Guidelines"). Texas and Louisiana sued, arguing the Guidelines violated the Immigration and Nationality Act ("INA"). 8 U. S. C. §§ 1226(c) 1231(a)(2). To gain standing (the right to sue in federal court), the States claimed that they would incur additional costs through the executive branch's failure to comply with the INA. A district court agreed with the States on the merits and declared the Guidelines unlawful. The Fifth Circuit declined to set aside the district court's judgment. Today, in an opinion authored by Justice Kavanaugh, the Court held that the States lacked standing to challenge the Guidelines and accordingly reversed the district court's judgment for lack of jurisdiction. Framing the dispute as "an extraordinarily unusual lawsuit," the Court held that the States lacked standing to ask "a federal court to order the Executive Branch to alter its arrest policies so as to make more arrests." Chief Justice Roberts and Justices Sotomayor, Kagan, and Jackson joined the Court's opinion in full. Justice Gorsuch (joined by Justices Thomas and Barrett) and Justice Barrett (joined by Justice Gorsuch) concurred in the judgment, but wrote separately to focus on the States' failure to demonstrate redressability, which requires that a favorable verdict remedy the harms alleged. Justice Alito dissented.

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

Samia v. United States, No. 22-196: This criminal procedure case addressed whether the Sixth Amendment's Confrontation Clause is violated when a non-testifying co-defendant's confession is admitted which implicates, but does not directly name, another defendant. Adam Samia and two other defendants were tried jointly for a variety of offenses related to the murder-for-hire of the decedent. A co-defendant confessed that

Related People

- Brock Huebner

Related Capabilities

- Appellate

Samia shot the decedent. A DEA agent testified during the trial to the content of that confession, but replaced Samia's name with neutral terms like "the other person." Samia was convicted on all counts. On appeal, Samia argued that admission of the non-testifying co-defendant's confession violated his Sixth Amendment Confrontation Clause rights because the jury could immediately infer that "the other person" was Samia. The Second Circuit held that the admission of the confession did not violate Samia's constitutional rights. Today, in a 6-3 decision authored by Justice Thomas, the Court affirmed. The Court found that including this testimony with the limiting instruction that the "confession was admissible only as to [co-defendant] and should not be considered as to Samia," while also altering the testimony such that Samia was not directly named, was permitted. The Court reasoned that such practice has been permitted historically and is in accord with the understanding that jurors follow limiting instructions. Justice Kagan filed a dissent joined by Justice Sotomayor and Justice Jackson. Justice Jackson filed a separate dissent.

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

Coinbase, Inc. v. Bielski, No. 22-105: This civil procedure and statutory interpretation case addressed the procedures in a district court when a party files an interlocutory appeal under the Federal Arbitration Act ("FAA"). 9 U.S.C. § 16(a). Abraham Bielski sued Coinbase in a putative class action, alleging Coinbase failed to repay funds that were fraudulently taken from users' accounts. After the district court denied Coinbase's motion to compel arbitration under the terms of its user agreement, Coinbase asserted its right under the FAA to immediately appeal the denial to the Ninth Circuit. However, the district court and the Ninth Circuit both declined to stay the district court proceedings while the interlocutory appeal was pending. Today, in a 5-4 decision authored by Justice Kavanaugh, the Court held that district courts' proceedings must be placed on hold during interlocutory appeals under the FAA. While the FAA itself is silent on the matter, the Court applied its *Griggs* precedent to conclude that a stay was required "[b]ecause the question on appeal is whether the case belongs in arbitration or instead in the district court," which means "the entire case is essentially 'involved in the appeal.'" Justice Jackson filed a dissenting opinion, joined by Justices Sotomayor and Kagan in full, and Justice Thomas in part.

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

United States v. Hansen, No. 22-179: This criminal law case addressed whether a statute that forbids "encourag[ing] or induc[ing] an alien to come to, enter, or reside in the United States" is unconstitutionally overbroad. 8 U.S.C. § 1324(a)(1)(A)(IV). Helaman Hansen was charged and convicted under § 1324 for his role in a scheme to deceive hundreds of noncitizens by claiming he could secure them citizenship through "adult adoption." The Ninth Circuit overturned the conviction, agreeing with Hansen that the statute violated the First Amendment. Today, in a 7-2 opinion authored by Justice Barrett, the Court overruled the Ninth Circuit and held that because § 1324 only forbids purposeful solicitation and facilitation of specific acts, the law is not unconstitutionally overbroad. The decision was based on the Court's interpretation of the "encourage or

induce” language in the statute and its conclusion that Congress included these terms in a “specialized, criminal-law sense” which narrowly applies to the solicitation of unlawful acts. Justice Jackson filed a dissenting opinion joined by Justice Sotomayor.

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