

The Supreme Court Update - June 23, 2026

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

On June 23, 2026, The Supreme Court of the United States issued five decisions:

Blanche v. Lau, No. 25-429: This immigration dispute addresses when the Government may treat a lawful permanent resident returning from temporary travel abroad as an applicant for admission, rather than as someone already admitted to the United States. Muk Choi Lau, a Chinese citizen and lawful permanent resident, temporarily traveled to China while a New Jersey trademark-counterfeiting charge was pending against him. When Lau returned through John F. Kennedy International Airport, border officials did not formally admit him as a returning lawful permanent resident; instead, they treated him as seeking admission and paroled him into the country while his criminal case proceeded. After Lau later pleaded guilty, the Government initiated removal proceedings and charged him as inadmissible based on a conviction for a crime involving moral turpitude. The immigration judge and Board of Immigration Appeals ordered Lau removed, but the Second Circuit vacated the removal order, holding that border officials needed clear and convincing evidence at the border that Lau had committed the offense before treating him as seeking admission. In a decision authored by Justice Thomas, the Supreme Court vacated and remanded, holding that the Immigration and Nationality Act does not require a border officer to have clear and convincing evidence that a lawful permanent resident committed a crime involving moral turpitude before deeming the resident an applicant for admission. Justice Jackson, joined by Justices Sotomayor and Kagan, dissented, arguing that the majority allows the Government to strip returning lawful permanent residents of their ordinary admitted status first and justify that decision later, undermining the statutory protections attached to lawful permanent residence.

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

Pung v. Isabella County, No. 25-95: This constitutional-property dispute addresses how to measure compensation when the government sells a home to collect unpaid property taxes. The Pung family owed \$2,241.93 in real-property taxes, and Isabella County, Michigan, foreclosed on and sold the family home—which had been assessed at

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\$194,400—for \$76,008 at public auction. The family argued that, under the Fifth Amendment Takings Clause, the County owed them the home's fair market value, not merely the difference between the auction price and the tax debt. The district court held that the family was entitled to the surplus proceeds from the tax sale, but not the home's fair market value, and the Sixth Circuit affirmed. In a decision authored by Justice Alito, the Supreme Court vacated and remanded, holding that the proper baseline for just compensation following a fairly conducted tax sale is the auction sale price, not the property's hypothetical fair market value. The Court also rejected the family's Eighth Amendment claim, holding that the Excessive Fines Clause does not require the government to compensate a former owner for more than the surplus proceeds from a tax sale. Justice Sotomayor, joined by Justices Gorsuch and Jackson, concurred to emphasize that the Court was not defining what makes a tax sale fair, while Justice Thomas, joined in part by Justice Gorsuch, concurred separately to explain that the family should be able to litigate on remand whether the County's conduct was consistent with historical tax-sale practice.

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

Landor v. Louisiana Department of Corrections and Public Safety, No. 23-1197:

This religious-liberty and federal-spending dispute addresses whether prison officials may be sued personally for damages under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"). RLUIPA requires state prison systems that accept federal funds to avoid substantially burdening prisoners' religious exercise absent exceptional circumstances. Damon Landor, a Rastafarian whose religious beliefs require him to leave his hair uncut, alleged that Louisiana prison officers forcibly shaved his head despite knowing his religious objection and despite being shown Fifth Circuit precedent protecting Rastafarian prisoners from that practice. Landor sued the Louisiana Department of Corrections and several individual officers under RLUIPA, seeking money damages from the officers in their personal capacities. The district court dismissed Landor's RLUIPA claims, and the Fifth Circuit affirmed as to the individual officers, holding that RLUIPA does not permit personal-capacity suits against prison officials. In a decision authored by Justice Gorsuch, the Supreme Court affirmed, holding that individuals may not be personally liable under a Spending Clause statute unless they knowingly and voluntarily consented to that liability, and the individual officers had not done so merely because their employer accepted federal funds. Justice Jackson, joined by Justices Sotomayor and Kagan, dissented, arguing that the Court unnecessarily reached a constitutional issue and improperly limited Congress's ability to provide meaningful remedies for violations of prisoners' religious rights.

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

Exxon Mobil Corp. v. Corporación CIMEX, S.A. (Cuba), No. 24-699: This foreign-sovereign-immunity dispute addresses whether U.S. nationals suing Cuban government-owned entities under the Helms-Burton Act must also satisfy an exception to immunity under the Foreign Sovereign Immunities Act ("FSIA"). Exxon's claims arise from the Cuban Government's 1960 confiscation of Exxon's Cuban oil refinery, terminals, plants,

and service stations after Fidel Castro came to power. Decades later, after Presidents had long suspended the Helms-Burton Act's private right of action, Exxon sued Cuban government-owned companies that allegedly operated and profited from those expropriated assets, seeking more than \$1 billion in damages. The Cuban entities moved to dismiss, arguing that they were immune under the FSIA unless Exxon could satisfy one of the statute's enumerated exceptions. The district court agreed, and a divided D.C. Circuit affirmed, holding that the Helms-Burton Act coexists with the FSIA and does not independently eliminate foreign sovereign immunity. In a decision authored by Justice Kavanaugh, the Supreme Court reversed, holding that the Helms-Burton Act itself abrogates the sovereign immunity of Cuban agencies and instrumentalities, so plaintiffs suing those entities under the Act need not also satisfy an FSIA exception. Justice Kagan, joined by Justices Sotomayor and Jackson, dissented, arguing that the Helms-Burton Act creates a cause of action but does not unmistakably abrogate foreign sovereign immunity, and that Exxon therefore should be required to proceed only if an FSIA exception applies.

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

Cisco Systems, Inc. v. Doe, No. 24-856: This human-rights and federal-courts dispute addresses whether foreign plaintiffs may use the Alien Tort Statute to sue a U.S. company for allegedly aiding and abetting violations of international law committed abroad. The plaintiffs alleged that the Chinese Government persecuted them for their religious beliefs and that Cisco helped enable that persecution by developing surveillance technology that allowed Chinese officials to identify and apprehend them. They sued Cisco and several executives under the Alien Tort Statute, which gives federal courts jurisdiction over certain tort claims brought by foreign plaintiffs for violations of international law, and one plaintiff also brought claims against two executives under the Torture Victim Protection Act ("TVPA"). The district court dismissed the complaint, but the Ninth Circuit reversed in relevant part, holding that aiding-and-abetting liability could proceed under the Alien Tort Statute and that the TVPA also permits aiding-and-abetting claims for torture. In a decision authored by Justice Barrett, the Supreme Court reversed, holding that courts may not create new causes of action for violations of international norms under the Alien Tort Statute. The Court also held that the TVPA does not provide aiding-and-abetting liability because Congress created a cause of action against those who "subject" another person to torture, but did not include aiding-and-abetting language. Justice Jackson, joined by Justice Kagan, concurred in part and dissented in part, while Justice Sotomayor, joined by Justices Kagan and Jackson in substantial part, dissented.

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

On June 22, 2206, the Court granted certiorari in two cases:

McCarthy v. Hernandez, No. 25-748: This criminal-procedure and habeas dispute

addresses the limits the Antiterrorism and Effective Death Penalty Act (“AEDPA”) places on federal courts reviewing state-court convictions. Pedro Hernandez was convicted in New York state court of kidnapping and felony murder for the 1979 disappearance and death of six-year-old Etan Patz after Hernandez made several confessions, including confessions after receiving Miranda warnings. At trial, the jury asked whether, if it found Hernandez’s first unwarned confession involuntary, it also had to disregard his later confessions; the trial court answered “no,” reasoning that New York law did not give the jury responsibility for deciding whether later confessions were tainted by an earlier one. The New York appellate court affirmed, but the Second Circuit later granted federal habeas relief, holding that the trial court’s response unreasonably applied *Missouri v. Seibert*, 542 U. S. 600 (2004), which addresses post-warning confessions following an initial unwarned interrogation. The Supreme Court granted certiorari and, in a per curiam decision, reversed, holding that no clearly established federal law required the trial court to instruct the jury on *Seibert*’s attenuation rule. The Court emphasized that *Seibert* concerned a judge’s suppression ruling, not jury instructions, and that AEDPA does not allow federal habeas courts to disturb state convictions based on extensions of Supreme Court precedent. Justices Sotomayor, Kagan, and Jackson would have denied certiorari.

View the Court’s [decision](#).

Francis Nielsen v. Kekai Watanabe, No. 25-417: This case concerns the scope of the judge-made doctrine allowing damages claims against federal officers for certain constitutional violations even without an express statutory cause of action recognized in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Respondent, a federal inmate, alleges that prison medical staff were deliberately indifferent to his medical needs after he fractured his coccyx in a prison gang fight; the Ninth Circuit allowed the claim to proceed under *Carlson v. Green*, 446 U.S. 14 (1980), a Supreme Court decision recognizing a *Bivens* remedy for an Eighth Amendment prison-medical-care claim where officials failed to treat an inmate’s acute asthma attack, causing his death. The question presented is: Whether the Ninth Circuit here erred in recognizing a *Bivens* cause of action.