

The Supreme Court Update - May 29, 2025

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

The Supreme Court of the United States issued one decision today:

Seven County Infrastructure Coalition v. Eagle County, Colorado, No. 23-975: This case concerns the scope of federal court review over an agency's environmental analysis and approval of an infrastructure project. The Seven County Infrastructure Coalition applied to the U. S. Surface Transportation Board ("Board") for permission to build and operate an 88-mile rail line in Utah to transport crude oil. Based on the environmental impact statement ("EIS") it prepared, the Board concluded that the project's transportation and economic benefits outweighed the environmental impacts, and the Board approved the project. Various parties challenged the approval in the D.C. Circuit Court of Appeals, arguing the Board's EIS did not comply with the National Environmental Policy Act ("NEPA") because the EIS failed to conduct sufficient analysis of the upstream and downstream oil drilling and refining likely to result from the project. The D.C. Circuit agreed and vacated the Board's approval. In an 8-0 decision authored by Justice Kavanaugh, the Supreme Court reversed, holding that the D.C. Circuit did not provide the Board with the "substantial judicial deference" required by NEPA, and further held that the Board's EIS was not required to consider "environmental effects of projects separate in time or place" from the project at issue. Justice Sotomayor (joined by Justices Kagan and Jackson) wrote separately to concur in the judgment, but to disagree with the majority opinion "unnecessarily grounding its analysis largely in matters of policy." Justice Gorsuch took no part in the decision.

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

On May 27, 2025, the Supreme Court of the United States granted certiorari in one case:

Fernandez v. United States, No. 24-556: This case addresses what factors a court may consider when deciding whether to reduce a term of imprisonment under 18 U.S.C. § 3582(c)(1)(A), which permits such a reduction where a court finds "extraordinary and

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compelling reasons” for doing so. The question presented is: Whether a combination of “extraordinary and compelling reasons” that may warrant a discretionary sentence reduction under § 3582(c)(1)(A) can include reasons that may also be alleged as grounds for vacatur of a sentence under 28 U.S.C. § 2255.