

The Supreme Court Update - November 4, 2024

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

Today, the Supreme Court of the United States granted certiorari in three cases:

Louisiana v. Callais; Robinson v. Callais, Nos. 24-109, 24-110: These consolidated cases challenge Louisiana's congressional redistricting plan under Section 2 of the Voting Rights Act. The challenges focus on one of the two majority-Black districts created in the state's proposed congressional district map. The questions presented are: (1) Whether the three-judge district court erred in concluding that race predominated in the design of Louisiana's Congressional District 6 based on the state legislature's stated intent to comply with the rulings of *Robinson v. Ardoin* without presuming the good faith of the legislature, attempting to disentangle the legislature's racial and political considerations, or requiring an alternative map that satisfied both Section 2 of the Voting Rights Act and the legislature's political objectives, as required by *Alexander v. S.C. State Conf. of NAACP*; (2) whether the district court erred when it disregarded the rulings of the courts in *Robinson* that preconditions specified in *Thornburg v. Gingles* could be (and had been) satisfied and instead required that the state's enacted map satisfy the first *Gingles* precondition to survive strict scrutiny; (3) whether the district court erred in failing to accord the Louisiana Legislature sufficient breathing room to account for political considerations that resulted in a less compact district than necessary to satisfy Section 2 of the Voting Rights Act; (4) whether the district court erred in relying on extra-record evidence and ignoring the evidence in the record on S.B. 8's respect for communities of interest in concluding that S.B. 8 failed to satisfy strict scrutiny; and (5) whether the district court abused its discretion by unnecessarily expediting the proceedings and limiting the evidence presented in this complex, fact-intensive case.

Riley v. Garland, No. 23-1270: This immigration law case addresses the deadlines imposed on noncitizens to challenge reinstated deportation orders. There is a split between federal circuit courts of appeals on whether the applicable deadline starts to run from an immigration judge's final decision upholding the deportation order or from the earlier decision of an asylum officer that a prior deportation order should be reinstated. Courts are further split on whether equitable exceptions can apply to the deadline. The

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questions presented are: (1) Whether 8 U.S.C. § 1252(b)(1)'s 30-day deadline is jurisdictional, or merely a mandatory claims-processing rule that can be waived or forfeited; and (2) whether a person can obtain review of the Board of Immigration Appeals' decision in a withholding-only proceeding by filing a petition within 30 days of that decision.