

The Supreme Court Update - October 21, 2024

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

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

Oklahoma v. Environmental Protection Agency; PacifiCorp v. Environmental Protection Agency, Nos. 23-1067, 23-1068: These consolidated cases address the proper venue to challenge the Environmental Protection Agency's ("EPA") rejection of states' plans to implement air quality standards under the Clean Air Act ("CAA"). The CAA requires that challenges to the EPA's approval or promulgation of CAA implementation plans, or other final actions, be filed in a federal regional circuit court if the action at issue "is locally or regionally applicable," but challenges to "nationally applicable regulations . . . may be filed only in" the U.S. Court of Appeals for the District of Columbia Circuit. The issue presented is: Whether a final action by the EPA taken pursuant to its CAA authority with respect to a single state or region may be challenged only in the U.S. Court of Appeals for the District of Columbia Circuit because the agency published the action in the same Federal Register notice as actions affecting other states or regions and claimed to use a consistent analysis for all states.

Environmental Protection Agency v. Calumet Shreveport Refining, LLC, No. 23-1229: This case also seeks interpretation of the venue requirements of the CAA's judicial review provision. The issue presented is: Whether venue for challenges by small oil refineries seeking exemptions from the requirements of the CAA's Renewable Fuel Standard program lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit because the agency's denial actions are "nationally applicable" or, alternatively, are "based on a determination of nationwide scope or effect."

Esteras v. United States, No. 23-7483: This case defines the factors that courts may look to when considering whether to revoke a term of supervised release. The defendant argues that courts should be allowed to consider the need for the sentence to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense, even though those factors were not explicitly included in the supervised-release statute, 18 U.S.C. § 3583(e). The issue presented is: Whether, even though

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Congress excluded 18 U.S.C. § 3553(a)(2)(A) from 18 U.S.C. § 3583(e)'s list of factors to consider when revoking supervised release, a district court may rely on the § 3553(a)(2)(A) factors when revoking supervised release.