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2021-2022 Granted Cases

On this page, you will find the cases granted thus far by the Supreme Court for the 2020-2021 year organized by subject matter with related links. (Last Updated: August 24, 2021).

Civil Rights

Dobbs v. Jackson Women's Health Organization (No. 19-1392)

Issues: (1) Whether all pre-viability prohibitions on elective abortions are unconstitutional.

- Overview of Dobbs v. Jackson Women's Health Organization - SCOTUSblog
- The Supreme Court just took a case that could kill Roe v. Wade—or let it die slowly - Mary Ziegler, Washington Post
- The Unique Dangers of the Supreme Court's Decision to Hear a Mississippi Abortion Case - Amy Davidson Sorkin, The New Yorker
- Supreme Court Agrees to Hear Major Abortion Case - Brittany Bernstein, National Review
- The Supreme Court is Taking Direct Aim at Roe v. Wade - Mark Joseph Stern, SLATE
- Inside Mississippi's last abortion clinic, the focus of an impending SCOTUS case that could overturn Roe v. Wade - Julia Naftulin, Business Insider

Cameron v. EMW Women's Surgical Center, P.S.C. (No. 20-601)

Issues: (1) Whether a state attorney general vested with the power to defend state law should be permitted to intervene after a federal court of appeals invalidates a state statute when no other state actor will defend the law.

- Overview of Cameron v. EMW Women's Surgical Center - SCOTUSblog
- Supreme Court to Decide Procedural Issue in Kentucky Abortion Case - Greg Stohr, Bloomberg
- Supreme Court to decide whether Kentucky's GOP attorney general can defend restrictive abortion law - Tucker Higgins, CNBC
- The stakes in the Supreme Court's new abortion cases, explained - Ian Millhiser, Vox

Carson v. Makin (No. 20-1088)

Issues: (1) Whether a state violates the religion clauses or equal protection clause of the United States Constitution by prohibiting students participating in an otherwise generally available student-aid program from choosing to use their aid to attend schools that provide religious, or "sectarian," instruction.

- Overview of Carson v. Makin - SCOTUSblog
- Supreme Court to Hear Case on Government Aid to Religious Schools - Adam Liptak, New York Times
- Supreme Court to Hear Maine Religious School Tuition Case - Alexa Lardieri, US News
- Justice Department sides with families suing for rights to use public funds for religious school - Valerie Strauss, Washington Post

CVS Pharmacy Inc. v. Doe (No. 20-1374)

Issues: (1) Whether Section 504 of the Rehabilitation Act of 1973 – and by extension Section 1557 of the Patient Protection and Affordable Care Act, which incorporates the "enforcement mechanisms" of other federal antidiscrimination statutes – provides a disparate-impact cause of action for plaintiffs alleging disability discrimination.

- Overview of CVS Pharmacy Inc. v. Doe - SCOTUSblog
- Mail-Order Drug Dispute Could Clarify Obamacare Bias Protections - Mary Anne Pazanowski, Bloomberg

New York State Rifle & Pistol Association Inc. v. Bruen (No. 20-843)

Issues: (1) Whether the state of New York's denial of petitioners' applications for concealed-carry licenses for self-defense violated the Second Amendment.

- Overview of New York State Rifle & Pistol Association Inc. v. Bruen - SCOTUSblog
- Supreme Court to Hear Case on Carrying Guns in Public - Adam Liptak, New York Times
- The Supreme Court's conservatives may have the votes to expand Second Amendment rights - Joan Biskupic, CNN
- Supreme Court Will Consider Right to Carry Handgun in Public - Greg Stohr, Bloomberg
- The Supreme Court just agreed to hear a Second Amendment case. That's bad news for gun regulation activists. - Amanda Hollis-Brusky, Washington Post
- Supersizing the Second Amendment - Garrett Epps, The Atlantic
- Supreme Court to Take Up 1st Major Gun Rights Case in More Than A Decade - Nina Totenberg, NPR

U.S. v. Vaello-Madero (No. 20-303)

Issues: (1) Whether Congress violated the equal-protection component of the due process clause of the Fifth Amendment by establishing Supplemental Security Income – a program that provides benefits to needy aged, blind and disabled individuals – in the 50 states and the District of Columbia, and in the Northern Mariana Islands pursuant to a negotiated covenant, but not extending it to Puerto Rico.

- Overview of U.S. v. Vaello-Madero - SCOTUSblog
- High Court Will Take Up Case on Puerto Rico SSI benefits - Law360
- United States v. Vaello-Madero - Harvard Law Review

Cummings v. Premier Rehab Keller, P.L.L.C. (No. 20-219)

Issues: (1) Whether the compensatory damages available under Title VI of the Civil Rights Act of 1964 and the statutes that incorporate its remedies for victims of discrimination, such as the Rehabilitation Act and the Affordable Care Act, include compensation for emotional distress.

- Overview of Cummings v. Premier Rehab Keller, P.L.L.C. - SCOTUSblog
- Emotional Distress Damages for Disability Bias on Tap at SCOTUS - Mary Anne Pazanowski, Bloomberg
- SCOTUS to Rule on Emotional Distress Damages Case - Lisa Soronen, National Conference of State Legislatures

First Amendment

City of Austin, Texas v. Reagan National Advertising of Texas Inc. (No. 20-1029)

Issues: (1) Whether the Austin city code's distinction between on-premise signs, which may be digitized, and off-premise signs, which may not, is a facially unconstitutional content-based regulation under *Reed v. Town of Gilbert*.

- Overview of City of Austin, Texas v. Reagan National Advertising of Texas Inc. - SCOTUSblog
- Supreme Court to Decide First Amendment Billboard Case - Lisa Soronen, National League of Cities
- Supreme Court will decide whether ban on some digital billboards violates First Amendment - Debra Cassens Weiss, ABA Journal

Houston Community College System v. Wilson (No. 20-804)

Issues: (1) Whether the First Amendment restricts the authority of an elected body to issue a censure resolution in response to a member's speech.

- Overview of Houston Community College System v. Wilson - SCOTUSblog
- Supreme Court to Decide Whether Elected Boards May Be Sued for Censuring Members - Lisa Soronen, National Conference of State Legislatures
- The Supreme Court Could Get Dragged Into the Cancel Culture Wars - Matt Ford, The New Republic
- Wilson v. Houston Community College System - Harvard Law Review

State Secrets

United States v. Zubaydah (No. 20-827)

Issues: (1) Whether the U.S. Court of Appeals for the 9th Circuit erred when it rejected the United States' assertion of the state-secrets privilege based on the court's own assessment of potential harms to the national security, and required discovery to proceed further under 28 U.S.C. 1782(a) against former Central Intelligence Agency contractors on matters concerning alleged clandestine CIA activities.

- Overview of United States v. Zubaydah - SCOTUSblog
- Supreme Court to consider terrorism suspect Abu Zubaida's request to learn more about his CIA-sponsored torture - Robert Barnes, Washington Post
- Supreme Court to Rule on Whether C.I.A. Black Sites are State Secrets - Adam Liptak & Carol Rosenberg, New York Times
- Supreme Court agrees to decide case of Guantanamo detainee seeking details on CIA 'black sites' - John Fritze, USA Today
- US Supreme Court to hear Palestinian Guantanamo prisoner's case - Al Jazeera

Federal Bureau of Investigation v. Fazaga (No. 20-828)

Issues: (1) Whether Section 1806(f) of the Foreign Intelligence Surveillance Act of 1978 displaces the state-secrets privilege and authorizes a district court to resolve, in camera and ex parte, the merits of a lawsuit challenging the lawfulness of government surveillance by considering the privileged evidence.

- Overview of Federal Bureau of Investigation v. Fazaga - SCOTUSblog
- Supreme Court to Consider State-Secrets Case Involving FBI Surveillance - Brett Kendall, Wall Street Journal
- High Court to Review Courts' Authority Over FBI Spying Intel - Law360

Statutory Interpretation

Servotronics Inc. v. Rolls-Royce PLC (No. 20-794)

Issues: (1) Whether the discretion granted to district courts in 28 U.S.C. § 1782(a) to render assistance in gathering evidence for use in "a foreign or international tribunal" encompasses private commercial arbitral tribunals, as the U.S. Courts of Appeals for the 4th and 6th Circuits have held, or excludes such tribunals without expressing an exclusionary intent, as the U.S. Courts of Appeals for the 2nd, 5th and, in the case below, the 7th Circuit, have held.

- Overview of Servotronics Inc. v. Rolls-Royce PLC - SCOTUSblog
- Is Private International Arbitration Panel a Tribunal? - John B. Pinney, American Bar Association
- Justice Department argues international private arbitral tribunal is not a "foreign tribunal"—Andrew Kelly, Reuters

Babcock v. Kijakazi (No. 20-480)

Issues: (1) Whether a civil service pension received for federal civilian employment as a "military technician (dual status)" is "a payment based wholly on service as a member of a uniformed service" for the purposes of the Social Security Act's windfall elimination provision.

- Overview of Babcock v. Kijakazi - SCOTUSblog

American Hospital Association v. Becerra (No. 20-1114)

Issues: (1) Whether deference under *Chevron U.S.A. v. Natural Resources Defense Council* permits the Department of Health and Human Services to set reimbursement rates based on acquisition cost and vary such rates by hospital group if it has not collected adequate hospital acquisition cost survey data; and (2) whether petitioners' suit challenging HHS's adjustments is precluded by 42 U.S.C. § 1395(t)(12).

- Overview of American Hospital Association v. Becerra - SCOTUSblog

- Supreme Court to Review Application of Hospital Medicare Drug Reimbursement Statute - Lisa Soronen, National Conference of State Legislatures

Patel v. Garland (No. 20-979)

Issues: (1) Whether 8 U.S.C. 1252(a)(2)(B)(i) preserves the jurisdiction of federal courts to review a nondiscretionary determination that a noncitizen is ineligible for certain types of discretionary relief.

- Overview of Patel v. Garland - SCOTUSblog
- Supreme Court will decide on inadmissibility that could impact certain immigrants for green card - Explica

Johnson v. Arteaga-Martinez (No. 19-896)

Issues: (1) Whether an alien who is detained under 8 U.S.C. 1231 is entitled by statute, after six months of detention, to a bond hearing at which the government must prove to an immigration judge by clear and convincing evidence that the alien is a flight risk or a danger to the community.

- Overview of Johnson v. Arteaga-Martinez - SCOTUSblog
- High Court to Review Bond Hearings for Detained Immigrants - Law360
- Supreme Court to Decide Case that Opens Door for Government to Potentially Detain Immigrants Indefinitely - Colin Kalmbacher, Law & Crime

Garland v. Gonzalez (No. 20-322)

Issues: (1) Whether an alien who is detained under 8 U.S.C. 1231 is entitled by statute, after six months of detention, to a bond hearing at which the government must prove to an immigration judge that the alien is a flight risk or a danger to the community; and (2) whether, under 8 U. S. C. 1252(f)(1), the courts below had jurisdiction to grant classwide injunctive relief.

- Overview of Garland v. Gonzalez - SCOTUSblog
- Supreme Court to Decide Case that Opens Door for Government to Potentially Detain Immigrants Indefinitely - Colin Kalmbacher, Law & Crime

Gallardo v. Marstiller (No. 20-1263)

Issues: (1) Whether the federal Medicaid Act provides for a state Medicaid program to recover reimbursement for Medicaid's payment of a beneficiary's past medical expenses by taking funds from the portion of the beneficiary's tort recovery that compensates for future medical expenses.

- Overview of Gallardo v. Marstiller - SCOTUSblog
- Will SCOTUS mend 'untenable' Medicaid reimbursement split? - Barbara Grzincic, Reuters

Business

Pivotal Software v. Tran (No. 20-1541)

Issues: (1) Whether the Private Securities Litigation Reform Act's discovery-stay provision applies to a private action under the Securities Act of 1933 in state or federal court, or solely to a private action in federal court.

- Overview of Pivotal Software v. Tran - SCOTUSblog
- Supreme Court Grants Review of Scope of PSLRA Stay - JD Supra

Unicolors, Inc. v. H&M Hennes & Mauritz, LP (No. 20-915)

Issues: (1) Whether the U.S. Court of Appeals for the 9th Circuit erred in breaking with its own prior precedent and the findings of other circuits and the Copyright Office in holding that 17 U.S.C. § 411 requires referral to the Copyright Office where there is no indicia of fraud or material error as to the work at issue in the subject copyright registration.

- Overview of Unicolors, Inc. v. H&M Hennes & Mauritz, LP - SCOTUSblog
- High Court to Consider Intent Bar in H&M Copyright Escape - Kyle Jahner, Bloomberg

Hughes v. Northwestern University (No. 19-1401)

Issues: (1) Whether allegations that a defined-contribution retirement plan paid or charged its participants fees that substantially exceeded fees for alternative available investment products or services are sufficient to state a claim against plan fiduciaries for breach of the duty of prudence under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1104(a)(1)(B).

- Overview of Hughes v. Northwestern University - SCOTUSblog
- Breach of Fiduciary Duties in Administering Defined Contribution Plans - Harvard Law School Forum on Corporate Governance

Badgerow v. Walters (No. 20-1143)

Issues: (1) Whether federal courts have subject-matter jurisdiction to confirm or vacate an arbitration award under Sections 9 and 10 of the Federal Arbitration Act when the only basis for jurisdiction is that the underlying dispute involved a federal question.

- Overview of Badgerow v. Walters - SCOTUSblog
- Supreme Court Poised to Resolve Split Regarding Federal Courts' Jurisdiction to Confirm or Vacate Arbitration Awards - Jeremy K. Beecher, American Bar Association
- The Supreme Court Now To Determine the Boundaries of Federal Court Jurisdiction Over Federal Arbitration Act Proceedings - John Lewis, Employment Class Action Blog

Original Jurisdiction

Mississippi v. Tennessee (No. 220143)

Issues: (1) Whether the Court will grant Mississippi leave to file an original action to seek relief from respondents' use of a pumping operation to take approximately 252 billion gallons of high-quality groundwater; (2) whether Mississippi has sole sovereign authority over and control of groundwater naturally stored within its borders, including in sandstone within Mississippi's borders; and (3) whether Mississippi is entitled to damages, injunctive, and other equitable relief for the Mississippi intrastate groundwater intentionally and forcibly taken by respondents.

- Overview of Mississippi v. Tennessee - SCOTUSblog
- Mississippi v. Tennessee: Analysis and Implications - Jamie Huffman, NYU Environmental Law Journal
- Mississippi doesn't own ground water, judge rules - Will Stribling, DeSoto Times-Tribune

Criminal Law/Habeas Relief

Thompson v. Clark (No. 20-659)

Issues: (1) Whether the rule that a plaintiff must await favorable termination before bringing a Section 1983 action alleging unreasonable seizure pursuant to legal process requires the plaintiff to show that the criminal proceeding against him has “formally ended in a manner not inconsistent with his innocence,” as the U.S. Court of Appeals for the 11th Circuit decided in *Laskar v. Hurd*, or that the proceeding “ended in a manner that affirmatively indicates his innocence,” as the U.S. Court of Appeals for the 2nd Circuit decided in *Lanning v. City of Glens Falls*.

- [Overview of Thompson v. Clark](#) - SCOTUSblog
- [Justices Asked to Settle Split on Police Civil Rights Suit](#) - Jordan S. Rubin, Bloomberg Law
- [How This High Court Case Could Affect Police Abuse Suits](#) - Marco Poggio, Law360

Brown v. Davenport (No. 20-826)

Issues: (1) Whether a federal habeas court may grant relief based solely on its conclusion that the test from *Brecht v. Abrahamson* is satisfied, as the U.S. Court of Appeals for the 6th Circuit held, or whether the court must also find that the state court’s application of *Chapman v. California* was unreasonable under 28 U.S.C. § 2254(d)(1), as the U.S. Courts of Appeals for the 2nd, 3rd, 7th, 9th and 10th Circuits have held.

- [Overview of Brown v. Davenport](#) - SCOTUSblog

Hemphill v. New York (No. 20-826)

Issues: (1) Whether, or under what circumstances, a criminal defendant, whose argumentation or introduction of evidence at trial “opens the door” to the admission of responsive evidence that would otherwise be barred by the rules of evidence, also forfeits his right to exclude evidence otherwise barred by the confrontation clause.

- [Overview of Hemphill v. New York](#) - SCOTUSblog
- [Can opening-the-door evidence doctrine violate the confrontation clause? SCOTUS will decide](#) - Debra Cassens Weiss, ABA Journal

United States v. Tsarnaev (No. 20-443)

Issues: (1) Whether the U.S. Court of Appeals for the 1st Circuit erred in concluding that Dzhokhar Tsarnaev’s capital sentences must be vacated on the ground that the district court, during its 21-day voir dire, did not ask each prospective juror for a specific accounting of the pretrial media coverage that he or she had read, heard or seen about Tsarnaev’s case; and (2) whether the district court committed reversible error at the penalty phase of Tsarnaev’s trial by excluding evidence that Tsarnaev’s older brother was allegedly involved in different crimes two years before the offenses for which Tsarnaev was convicted.

- [Overview of United States v. Tsarnaev](#) - SCOTUSblog
- [Supreme Court to Consider Death Sentence in Boston Marathon Bombing Case](#) - Adam Liptak, New York Times
- [Marathon Bomber Supreme Court Review Puts Biden in Hot Seat](#) - Jordan S. Rubin, Bloomberg Law
- [Supreme Court to Hear Appeal of Ruling that Overturned Boston Marathon Bomber’s Death Sentence](#) - Marc Fortier, NBC Boston
- [Supreme Court agrees to hear death penalty case against Boston marathon bomber Dzhokhar Tsarnaev](#) - John Fritze, USA Today

Wooden v. United States (No. 20-5279)

Issues: (1) Whether offenses that were committed as part of a single criminal spree, but sequentially in time, were “committed on occasions different from one another” for purposes of a sentencing enhancement under the Armed Career Criminal Act.

- [Overview of Wooden v. United States](#) - SCOTUSblog
- [Prisoner who filed pro se appeal of his enhanced sentence wins Supreme Court review](#) - Debra Cassens Weiss, ABA Journal
- [Supreme Court Grants Cert Again in ACCA Case](#) - Defender Services Office

Shinn v. Ramirez (No. 20-1009)

Issues: (1) Whether application of the equitable rule the Supreme Court announced in *Martinez v. Ryan* renders the Antiterrorism and Effective Death Penalty Act, which precludes a federal court from considering evidence outside the state-court record when reviewing the merits of a claim for habeas relief if a prisoner or his attorney has failed to diligently develop the claim’s factual basis in state court, inapplicable to a federal court’s merits review of a claim for habeas relief.

- [Overview of Shinn v. Ramirez](#) - SCOTUSblog
- [His Conviction was Overturned Amid Evidence of Innocence. The Supreme Court Could Throw it All Out.](#) - Liliana Segura, The Interceptor

United States v. Taylor (No. 20-1459)

Issues: (1) Whether 18 U.S.C. § 924(c)(3)(A)’s definition of “crime of violence” excludes attempted Hobbs Act robbery, in violation of 18 U.S.C. § 1951(a).

- [Overview of United States v. Taylor](#) - SCOTUSblog
- [Supreme Court to Consider if Attempted Robbery is ‘Violent’](#) - Jordan S. Rubin, Bloomberg



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