

(ORDER LIST: 595 U.S.)

TUESDAY, JANUARY 18, 2022

**CERTIORARI -- SUMMARY DISPOSITION**

21-5975 BALDERAS, MODESTO V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Borden v. United States*, 593 U. S. \_\_\_\_ (2021).

**ORDERS IN PENDING CASES**

21A198 WALL, LUCAS, ET AL. V. TSA

The application for stay addressed to Justice Gorsuch and referred to the Court is denied.

20-603 TORRES, LEROY V. TX DEPT. OF PUBLIC SAFETY

The motion of petitioner to dispense with printing the joint appendix is granted.

21-147 EGBERT, ERIK V. BOULE, ROBERT

The motion of respondent for leave to file the joint appendix under seal with redacted copies for the public record is granted.

21-462 JOHNSON, JOLIE, ET AL. V. BETHANY HOSPICE

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

21-6388 ROACH, CALVIN V. WASHINGTON, DIR., U.S. MARSHALS

The motion of petitioner for leave to proceed *in forma*

*pauperis* is denied. Petitioner is allowed until February 8, 2022, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI DENIED**

21-118 APPLE INC. V. OPTIS CELLULAR, LLC, ET AL.  
21-267 BROADNAX, JAMES G. V. LUMPKIN, DIR., TX DCJ  
21-269 CARTER, ANTHONY V. TEXAS  
21-427 LAMOUREUX, WILLIAM F. V. MONTANA  
21-481 SHIPLEY, BETTY R. V. HELPING HANDS THERAPY, ET AL.  
21-537 ADIR INT'L, LLC, ET AL. V. STARR INDEMNITY & LIABILITY CO.  
21-552 EDWARD D. JONES & CO., ET AL. V. ANDERSON, EDWARD, ET AL.  
21-674 NC HEALTH PLAN V. KADEL, MAXWELL, ET AL.  
21-693 RINGGOLD, NINA R. V. USDC CD CA  
21-699 CAMPBELL, COLLETTE V. WE TRANSPORT, INC., ET AL.  
21-703 RLR INVESTMENTS, LLC V. PIGEON FORCE, TN  
21-708 CLMS MGMT. SERV., ET AL. V. AMWINS BROKERAGE OF GA, ET AL.  
21-710 JACKSON, VALERIE V. VALDEZ, LUPE, ET AL.  
21-726 GONZALEZ, AUGUSTIN T. V. HAHN, STEVEN, ET AL.  
21-727 SNYDER, ROBERT R. V. ALLISON, SEC., CA DOC, ET AL.  
21-730 AMU, 'LANRE O. V. IL ATT'Y REGISTRATION COMM.  
21-731 PLASOLA, JESSE V. CALIFORNIA, ET AL.  
21-775 RUBIN, THOMAS E. V. UNITED STATES  
21-865 WALTON, DEBORAH V. FIRST MERCHANTS BANK  
21-903 GLEN, ROBERT M. V. AMERICAN AIRLINES, INC.  
21-5671 CORONA, VICENTE V. UNITED STATES  
21-5714 WYNN, JAYREN J V. UNITED STATES  
21-5952 RUNDO, ROBERT P, ET AL. V. UNITED STATES

21-5960 DAVIS, ALEXANDER V. UNITED STATES  
21-6050 BONGIORNO, JAMES V. HIRSHFELD, DREW  
21-6221 JACKSON, DAVID V. MA DOC  
21-6236 JOSEPH, L. B. V. ILLINOIS  
21-6237 DAMOND, GLENN C. V. LOUISIANA  
21-6241 TURNER, ERIC J. V. BROCH, RICHARD L.  
21-6246 JOHNSON, NOBLE L. V. PETERSON, WARDEN  
21-6257 JACKSON, JEVON D. V. WISCONSIN  
21-6258 ROMERO, RAMIRO V. TEXAS  
21-6267 BROWN-MALLARD, ADRIENNE V. POTOMAC CONCRETE, INC., ET AL.  
21-6271 MYERS, AUSTIN V. OHIO  
21-6277 RAWLS, JORDAN A. V. PENNSYLVANIA  
21-6281 TRUONG, MAC V. MERGENTHALER, ROSEMARY, ET AL.  
21-6288 WAGONER, TINA L. V. NEW YORK  
21-6291 BARATI, ZOLTAN V. MOODY, ATT'Y GEN. OF FL, ET AL.  
21-6293 BOLINGER, ROY V. TEXAS  
21-6299 COOK, DARYL V. PHILADELPHIA, PA, ET AL.  
21-6301 BENTLEY, TRAVIS W. V. OKLAHOMA  
21-6302 ALVARADO-GONZALEZ, JUAN V. ILLINOIS  
21-6303 C. K. J. V. M. J. T.  
21-6306 SHORTESS, JASON T. V. GOOGLE, LLC  
21-6307 SMITH, DONALD J. V. FLORIDA  
21-6311 GAYLORD, CURTIS R. V. McDONOUGH, SEC. OF VA  
21-6313 PLOURDE, GLEN V. MAINE, ET AL.  
21-6316 WALKER, CLAYTON G. V. BARNETT, STEVE, ET AL.  
21-6317 WALKER, CLAYTON G. V. BARNETT, STEVE, ET AL.  
21-6326 SKINNER, FARNAD V. KENTUCKY  
21-6330 S. B. V. FL DEPT. OF CHILDREN, ET AL.

21-6331 WHITE, BYRON V. OKLAHOMA  
21-6340 HARMON, TROY W. V. TEXAS  
21-6350 GREENE, MICHAEL J. V. SEARLS, SUPT., HUTTONSVILLE  
21-6354 MISHIYEV, ERIK V. ALPHABET INC., ET AL.  
21-6356 NIEVES-PEREZ, FELIPE V. TEXAS  
21-6359 ZINMAN, COREY J. V. NOVA SOUTHEASTERN UNIV., ET AL.  
21-6422 RADER, JAKE V. MILLER, WARDEN  
21-6439 RUSHINSKY, JOHN J. V. SHINN, DIR., AZ DOC, ET AL.  
21-6446 SOUMPHONPHAKDY, KHONGSANA V. WALILKO, MARY J., ET AL.  
21-6502 GRIFFIN, BOBBY V. CONNECTICUT  
21-6553 ENDERLE, CHAD L. V. IOWA  
21-6701 PARKER, NAKYIA D. V. FENDER, WARDEN

The petitions for writs of certiorari are denied.

21-202 MYLAN LABORATORIES LTD. V. JANSSEN PHARMACEUTICAL, ET AL.

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

21-495 BLACK, DENNIS, ET AL. V. PENSION BENEFIT GUARANTY CORP.

The motion for leave to file a reply brief under seal with redacted copies for the public record is granted. The petition for a writ of certiorari is denied.

21-6244 McBRIDE, KIRK W. V. TEXAS

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the

petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

21-6248 DOUCE AL DEY, OLIVER V. V. NJ DIV. OF CHILD PROTECTION

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

21-6304 YANG, NENG POR V. HOLLAND, ANN MARIE

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

21-6315 WEIDRICK, MARY JO V. BIDEN, PRESIDENT OF U.S., ET AL.

The petition for a writ of certiorari before judgment is denied. The Chief Justice took no part in the consideration or decision of this petition.

**HABEAS CORPUS DENIED**

21-6538 IN RE KENNY BLANC

21-6698 IN RE CARLTON WEST

21-6714 IN RE RAFAEL VERDEJO-RUIZ

The petitions for writs of habeas corpus are denied.

**MANDAMUS DENIED**

21-765 IN RE KELACO CORPORATION

21-6539 IN RE KENNY BLANC

The petitions for writs of mandamus are denied.

**REHEARINGS DENIED**

21-62 POUPART, PAUL V. LOUISIANA, ET AL.

21-5442 CROOK, JASPER V. SHEA, ROBIN

21-5469 TEAGAN, ZIAHONNA V. McDONOUGH, GA

21-5698 CROOK, JASPER V. AGUILAR, RICARDO, ET AL.

21-5977 IN RE RIGOBERTO M. AGUIRRE

The petitions for rehearing are denied.

20-6531 RUIZ, ROGELIO M. V. BAUGHMAN, WARDEN

The motion for leave to file a petition for rehearing is denied. Justice Breyer took no part in the consideration or decision of this motion.

GORSUCH, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

TRUSTEES OF THE NEW LIFE IN CHRIST CHURCH *v.*  
CITY OF FREDERICKSBURG, VIRGINIA

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF VIRGINIA

No. 21–164. Decided January 18, 2022

The motion of Ethics & Religious Liberty Commission of the Southern Baptist Convention, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

JUSTICE GORSUCH, dissenting from the denial of certiorari.

This case began when the New Life in Christ Church in Fredericksburg, Virginia, claimed a tax exemption for a residence occupied by Josh and Anacari Storms. Hired as “Youth Ministers,” the couple was responsible for “provid[ing] leadership over” the church’s “ministry” to college students “through godly example, prayer, leadership development, collegiate community engagement, program management and administrative oversight.” App. to Pet. for Cert. 46a, 57a. The couple’s duties included leading Bible study meetings; providing “discipleship” to “each member of the college ministry”; developing and managing a budget for the “[m]inistry activities”; and “[e]xecut[ing] ministry vision and goals.” *Id.*, at 58a. For their work, the Storms received a yearly salary from the church. *Id.*, at 59a.

The city of Fredericksburg (City) sought to deny the church’s tax exemption. Years of litigation ensued. *Id.*, at 6a. Before us, though, the dispute is a narrow one. The parties accept that, under state law, a church may claim a “ministerial” residence exempt from taxes. See Va. Code Ann. §58.1–3606(A)(2) (2017). They accept that the Storms’

home was the only residence the church sought to claim exempt. App. to Pet. for Cert. 118a. They acknowledge that the home of a “subordinate” minister can qualify for the tax exemption too. *Id.*, at 72a. And they agree that state law does not supply a definition for the term “minister.” Instead, whether a person qualifies as a “minister” varies across “different religious denominations or traditions” and “depends on the organizational policies of the organization.” *Id.*, at 20a; see also 1977 Va. Op. Atty. Gen., Ann. Rep. 276, 277 (1976–1977).

So how has the City sought to justify denying the tax exemption? Primarily, the City has argued that the church is not entitled to a tax credit because it misunderstands who qualifies as “minister” in its own faith tradition. To develop this argument, the City conducted extensive discovery into church practices and beliefs. In its interrogatories, the City asked questions such as whether church “doctrine and/or polity” permits Anacari Storms “to be ordained” given that she is a woman. App. to Pet. for Cert. 46a, 48a. Ultimately, the City argued that the church is “governed by the Book of Church Order of the Presbyterian Church in America” and that the “Book of Church Order utilizes the term ‘minister’ in contexts that make it clear that the term refers to a duly ordained person with specific leadership duties.” *Id.*, at 70a–71a. The Storms failed this test, the City argued, because they had “not been ordained” and are not listed as a “Lead Pastor, Associate Pastor, or Assistant Pastor” on the congregation’s website. *Id.*, at 72a (internal quotation marks omitted).

The church tried to explain that the City misunderstood its traditions and practices. The church responded that, yes, women can and do serve as ministers. *Id.*, at 95a. It acknowledged that “in order to deliver sermons” a minister in its tradition must be ordained but nothing in its rules or the Book of Church Order “prohibits a particular church from hiring ministers to serve as messengers and teachers



GORSUCH, J., dissenting

of the faith” without ordination. *Id.*, at 94a–95a. Instead, the church explained its understanding that “Section 12 of the Book of Church Order provides each church rather broad authority to govern its own affairs[,] which . . . include[s] the ability to hire ministers to cater to specialized groups, such as youth.” *Id.*, at 95a.

It seems that none of these explanations satisfied the City. Rather than drop its suit, it pressed on with its effort to have the church’s tax exemption withdrawn. Ultimately, it even persuaded a state trial court to rule in its favor. After the Virginia Supreme Court declined to review that judgment, the church filed a petition for certiorari in this Court. Yet even now, before this Court, the City continues to insist that a church’s religious rules are “subject to verification” by government officials. Brief in Opposition 10.

I would grant the petition and summarily reverse. The First Amendment does not permit bureaucrats or judges to “subject” religious beliefs “to verification.” About this, the Court has spoken plainly and consistently for many years. In *Serbian Eastern Orthodox Diocese for United States and Canada v. Milivojevich*, for example, a state court conducted a “‘detailed review’” before determining that a church’s decision was “‘not in accordance with the prescribed procedure of the constitution and the penal code of the Serbian Orthodox Church.’” 426 U. S. 696, 718 (1976). This Court reversed, explaining that such governmental intrusions into ecclesiastical questions are “impermissible.” *Id.*, at 718–719. Absent proof of insincerity or fraud, a church’s decisions “‘on matters purely ecclesiastical, although affecting civil rights, are accepted in litigation before the secular courts as *conclusive*.’” *Id.*, at 729 (emphasis added); see also *Gonzalez v. Roman Catholic Archbishop of Manila*, 280 U. S. 1, 16 (1929); *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U. S. \_\_\_\_ (2020) (slip op., at 26).

The Framers of our Constitution were acutely aware how

governments in Europe had sought to control and manipulate religious practices and churches. They resolved that America would be different. In this country, we would not subscribe to the “arrogant pretension” that secular officials may serve as “competent Judge[s] of Religious truth.” Memorial and Remonstrance Against Religious Assessments, in *Selected Writings of James Madison* 21, 24 (R. Ketcham ed. 2006). Instead, religious persons would enjoy the right “to decide for themselves, free from state interference, matters of . . . faith and doctrine.” *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U. S. 94, 116 (1952). This case may be a small one, and one can hope that the error here is so obvious it is unlikely to be repeated anytime soon. But I would correct it. Bureaucratic efforts to “subject” religious beliefs to “verification” have no place in a free country.