

(ORDER LIST: 581 U.S.)

MONDAY, JUNE 5, 2017

APPEAL -- SUMMARY DISPOSITION

16-649 NORTH CAROLINA, ET AL. V. COVINGTON, SANDRA L., ET AL.

The judgment is affirmed.

CERTIORARI -- SUMMARY DISPOSITIONS

16-6059 FLORES, TIMOTEO J. V. UNITED STATES

16-6747 PAZ-CRUZ, JOSE A. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Esquivel-Quintana v. Sessions*, 581 U. S. ____ (2017).

16-7553 LAURIANO-ESTEBAN, JUAN V. UNITED STATES

The petition for a writ of certiorari as to Juan Lauriano-Esteban is granted, the judgment is vacated, and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *Esquivel-Quintana v. Sessions*, 581 U. S. ____ (2017). The petition for a writ of certiorari as to Rafael Moreno-Orenellas is denied.

16-8455 OVALLE-GARCIA, MARTIN 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 *Esquivel-Quintana v. Sessions*, 581 U.S. ____ (2017).

ORDERS IN PENDING CASES

16M135 PINKNEY, ROBERT A. V. UNITED STATES

16M136 HEATH, JULIA V. MA DEPT. OF CHILDREN & FAMILIES

16M137 GARCIA, JOE V. V. McEWEN, WARDEN

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

16M138 WILBORN, HAROLD L. V. MSPB

The motion for leave to proceed as a veteran is granted.

16-6795 AYESTAS, CARLOS M. V. DAVIS, DIR., TX DCJ

The motion of petitioner for appointment of counsel is granted, and Lee B. Kovarsky, Esquire, of Baltimore, Maryland, is appointed to serve as counsel for the petitioner in this case.

16-7915 JACKMAN, DONALD G. V. 5751 UNIT TEAM FORT DIX, ET AL.

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

16-8765 LAMKIN, MARY A. V. PHENY, ERIKA, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 26, 2017, 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 GRANTED

16-402 CARPENTER, TIMOTHY I. V. UNITED STATES

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

16-814 STERLING, MONIFA J. V. UNITED STATES
16-898 WERNER, PATRICK J. V. WALL, EDWARD F., ET AL.
16-929 SHAKBAZYAN, EDGAR V. UNITED STATES
16-932 TEAMSTERS UNION LOCAL NO. 70 V. NLRB
16-967 BAYOU SHORES SNF, LLC V. AGENCY FOR HEALTH CARE, ET AL.
16-1065 SAI V. TSA, ET AL.
16-1163 STRONG, SHAWN, ET AL. V. KITTLE-AIKELEY, BRANDON, ET AL.
16-1173 IKO, BENNY O. V. IKO, ADANNEYA O.
16-1176 SOETH, MAXWELL V. NEWMAKER, JERRY, ET AL.
16-1179 HSU, JOHN V. CA DEPT. OF TOXIC SUBSTANCES
16-1182 KINNEY, CHARLES V. CLARK, MICHELE R.
16-1184 ARUNACHALAM, LAKSHMI V. USDC DE
16-1187 TRUESDALE, WILLIAM J. V. JONES, SEC., FL DOC, ET AL.
16-1192 ALLEN, JEFFERSON, ET UX. V. CT COMM'R OF REVENUE SERVICES
16-1196 TURNER, DUANE E. V. BROWN, WARDEN
16-1199 CORLISS, JUSTIN V. LYNOT, THOMAS, ET AL.
16-1204 MEMPHIS, TN V. COLE, LAKENDUS, ET AL.
16-1222 CANUTO, DARIUS, ET UX. V. PRICE, SEC. OF H&HS
16-1311 McNEIL, ROBERT A. V. CIR, ET AL.
16-5913 CARCAMO, ALFREDO V. UNITED STATES
16-6880 PEREZ-DELGADO, LINO A. V. UNITED STATES
16-7124 LUSTIG, MICHAEL V. UNITED STATES
16-7160 VILLA-LUJAN, HUGO V. UNITED STATES
16-7317 LEE, DESTIN V. UNITED STATES
16-7338 CRUZ DE JESUS, EDUARDO V. UNITED STATES
16-7340 HICKS, MARCUS D. V. UNITED STATES
16-7452 RISHOR, KIRK V. FERGUSON, ATT'Y GEN. OF WA

16-7585 PENALOZA-CARLON, EDUARDO V. UNITED STATES
16-7725 ROBEY, GEORGE E. V. UNITED STATES
16-7840 MICKEL, ANDREW H. V. CALIFORNIA
16-7885 ROCHA-ALVARADO, DOROTEO V. UNITED STATES
16-7950 SANTIAGO, JOSE A. V. LABOR & INDUSTRY REVIEW, ET AL.
16-7962 JUDKINS, GERALD D. V. MINNESOTA
16-8118 CHAVEZ-PEREZ, ANGEL R. V. UNITED STATES
16-8125 ELDRIDGE, GERALD C. V. DAVIS, DIR., TX DCJ
16-8520 CEPEC, STEVEN V. OHIO
16-8555 STODDART, CHRISTOPHER V. DAVIS, DIR., TX DCJ
16-8564 AMENUVOR, JACOB V. TICE, SUPT., SMITHFIELD, ET AL.
16-8565 COPELAND, LAVELLE V. FLORIDA
16-8568 LEWIS, CARLTON J. V. RYAN, DIR., AZ DOC, ET AL.
16-8569 DAVIS, LEON V. FLORIDA
16-8570 DAVIS, LEON V. FLORIDA
16-8572 OLIVER, HENRY V. DUCART, WARDEN
16-8573 SIMMONS, JAWORSKI L. V. JONES, SEC., FL DOC
16-8584 BROWN, FRANK H. V. TEXAS
16-8585 BROOKS, DONALD E. V. FLORIDA
16-8586 ALTOUNIAN, ARSEN V. CALIFORNIA
16-8588 BROWN, KEVIN M. V. ALLBAUGH, DIR., OK DOC
16-8591 EVANS, CURTIS V. FISHER, MARSHALL, ET AL.
16-8596 SPAULDING, DAWUD V. OHIO
16-8638 WOODLEY, DEREK L. V. MACLAREN, WARDEN
16-8653 NOWICKI, STEVEN V. CUNNINGHAM, SUPT., WOODBOURNE
16-8661 BOWMAN, EDWARD V. MILLER, SUPT., GREAT MEADOWS
16-8666 MULLER, WILLIAM V. GRIFFIN, SUPT., GREEN HAVEN
16-8669 JOHNSON, BRANDON V. OK DEPT. OF TRANSP., ET AL.

16-8677 BUTLER, RODGER N. V. FLORIDA
16-8697 TAYLOR, ALEJANDRA S. V. OPM
16-8704 BOHANNAN, MICHAEL W. V. TEXAS
16-8707 SMITH, FREDDIE V. KLEE, WARDEN
16-8715 LANE, ADAM E. V. ARKANSAS
16-8719 COTTRELL, CHRISTOPHER E. V. CLARKE, DIR., VA DOC
16-8720 PARKER, MICHAEL E. V. BERRYHILL, ACTING COMM'R, SSA
16-8738 BOLIVAR, RANDALL V. TEXAS
16-8762 WILKS, TIMOTHY B. V. RYMARKIEWICZ, ROBERT J., ET AL.
16-8776 LEE, KENNETH M. V. UNITED STATES
16-8780 HENRY, CHRISTOPHER V. UNITED STATES
16-8801 CAMPBELL, HERBERT L. V. GAGE, WARDEN
16-8808 KOSH, ISHMAEL V. UNITED STATES
16-8819 BERNARDEZ, JUAN V. GRAHAM, SUPT., AUBURN
16-8847 HARRELL, MARTIN L. V. UNITED STATES
16-8854 SELF, ETHAN A. V. TENNESSEE
16-8879 RUIZ, ARTURO S. V. UNITED STATES
16-8884 BRAY, RANDY V. PHILLIPS, WARDEN
16-8887 REED, LEROY V. FLORIDA
16-8896 CISNEROS, JUAN G. V. UNITED STATES
16-8897 DUTCHER, JOHN E. V. MASSACHUSETTS
16-8904 THUENER, JONATHAN W. V. SMITH, WARDEN
16-8914 IVES, EUGENE H. V. MILLION, WARDEN
16-8918 FORD, JIMMIE L. V. RYAN, DIR., AZ DOC, ET AL.
16-8919 ADEFEYINTI, ADEKUNLE V. VARGA, WARDEN
16-8924 HERRERA, JOSE A. V. McFADDEN, WARDEN
16-8933 HAYES, CLARENCE V. WESTBROOKS, WARDEN
16-8937 KRAEMER, STEPHEN G. V. ILLINOIS

16-8942 McDOWELL, STEVEN T. V. UNITED STATES
16-8945 RIVERA-BUGARIN, MIGUEL V. UNITED STATES
16-8950 HARRINGTON, RICHARD L. V. OBENLAND, MICHAEL
16-8953 WHITENER, ERIC L. V. UNITED STATES
16-8955 ROBINSON, SHAWN V. SEMPLE, COMM'R, CT DOC
16-8957 JOHNSON, SHANE D. V. UNITED STATES
16-8964 THERRIEN, SHERAD V. UNITED STATES
16-8979 STRICKLAND, JAMES M. V. UNITED STATES
16-8980 RIVERA, RAMON E. V. UNITED STATES
16-8981 SHEPHERD, ROBERT E. V. UNITED STATES
16-8983 ROBERTS, JACKIE V. UNITED STATES
16-8985 DESAI, SHREYANS V. SEC
16-8990 LLANOS-FALERO, AURELIO J. V. UNITED STATES
16-8995 THOMAS, VANDALE V. UNITED STATES
16-8998 MEDINA, CARLOS V. UNITED STATES
16-8999 KARLIS, CRAIG V. UNITED STATES
16-9000 MARIUS, BERSON V. UNITED STATES
16-9006 SALINAS, MIKE R. V. UNITED STATES
16-9008 GOOCH, ERIC V. UNITED STATES
16-9009 GASKINS, GABRIEL S. V. UNITED STATES
16-9011 EKWEBELEM, ADELINE V. UNITED STATES
16-9013 KASTNER, DANIEL V. UNITED STATES
16-9015 LaVICTOR, LYNN M. V. UNITED STATES
16-9018 SCOTT, ANTWON A. V. UNITED STATES
16-9023 BRINKLEY, SHERRELL G. V. UNITED STATES
16-9025 BRODERICK, WAYNE L. V. UNITED STATES
16-9029 FORD, DESMOND V. UNITED STATES
16-9030 LUSSIER, DARRELL A. V. UNITED STATES

16-9034 ALLEN, KENDAL V. UNITED STATES
16-9039 EDWARDS, BOBBIE R. V. UNITED STATES
16-9047 ZWEIGLE, KYLE V. UNITED STATES
16-9050 THOMPSON, ALAN K. V. UNITED STATES
16-9055 PEREZ, EDUARDO R. V. UNITED STATES
16-9058 DE NIER, DIDIER V. UNITED STATES
16-9061 PATEL, BABUBHAI V. UNITED STATES
16-9062 ELDER, LUTHER V. UNITED STATES
16-9077 RIVERA, JOSE R. V. UNITED STATES

The petitions for writs of certiorari are denied.

16-8119 DiGIORGIO, ROBERT A. V. SEC

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is granted. The order entered April 17, 2017, is vacated. The petition for a writ of certiorari is denied.

16-8713 ROSIERE, SHAUN V. UNITED STATES

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

16-8848 FISH, TERRY V. SEVENTH DISTRICT, ET AL.

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.

16-8930 GAREY, EDDIE M. V. MANSUKEANI, WARDEN, ET AL.

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. Justice Kagan took no part in the consideration or decision of this motion and this petition.

16-8967 CONCEPCION, ALBERT V. UNITED STATES

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

16-8972 FOWLER, MARK V. ATKINSON, WARDEN

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

16-8976 GRIGSBY, PHILIP A. V. UNITED STATES

16-8977 GRIGSBY, PHILIP A. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Gorsuch took no part in the consideration or decision of these petitions.

16-8982 RICHMOND, MARSHALL C. V. UNITED STATES

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

16-8993 WILSON, DOUGLAS V. JONES, WARDEN, ET AL.

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

16-9035 BURRELL, STANLEY V. UNITED STATES

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

MANDAMUS DENIED

16-8969 IN RE ORESTES CABRERA

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

15-9441 GARDNER, ERIC V. WOODS, WARDEN
16-934 COULTER, JEAN V. JAMSAN HOTEL MGMT., INC., ET AL.
16-6309 TIGER V. PYNKALA, JASON S., ET AL.
16-7069 ADKINS, DORA L. V. WHOLE FOODS MARKET GROUP, INC.
16-7333 JOHNSON, EARL V. VANNOY, WARDEN
16-7550 OWENS, WILLIAM A. V. LEWIS, WARDEN
16-7675 WILLIAMS, JANICE D. V. JACKSON, FRED
16-7934 SAITTA, FRANCIS P. V. TUCSON UNITED SCHOOL DISTRICT
16-8038 IN RE SAMMIE L. BROWN
16-8097 CAMPBELL, COLLETTE V. NEW YORK CITY TRANSIT AUTHORITY
16-8111 IN RE ERICK LAWSON
16-8275 MARTINEZ, JORGE A. V. UNITED STATES
16-8557 IN RE GLENN L. SELDEN

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2945 IN THE MATTER OF DISBARMENT OF HARRIS C. LEGOME

Harris C. Legome, of Haddonfield, New Jersey, having been suspended from the practice of law in this Court by order of December 12, 2016; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Harris C. Legome is disbarred from the practice of law in this Court.

Per Curiam

SUPREME COURT OF THE UNITED STATES

NORTH CAROLINA, ET AL. *v.* SANDRA LITTLE
COVINGTON, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA

No. 16–1023. Decided June 5, 2017

PER CURIAM.

The North Carolina General Assembly redrew state legislative districts in 2011 to account for population changes revealed by the 2010 census. In May 2015, several registered North Carolina voters (here called plaintiffs) brought this action in the U. S. District Court for the Middle District of North Carolina, alleging that 28 majority-black districts in the new plan were unconstitutional racial gerrymanders. The District Court ruled for the plaintiffs in August 2016, holding that race was the predominant factor in the design of each challenged district, and that in none was that use of race “supported by a strong basis in evidence and narrowly tailored to comply with [the Voting Rights Act].” 316 F. R. D. 117, 176 (MDNC 2016).^{*} The court declined to require changes in time for the then-impending November 2016 election, but ordered the General Assembly to redraw the map before North Carolina holds any future elections for that body. See App. to Juris. Statement 148–149.

Three weeks after the November 2016 election, the District Court ordered additional relief. In addition to setting a March 2017 deadline for the General Assembly’s drawing of new districts, the court ordered that “[t]he term of any legislator elected in 2016” from a district later

^{*}By separate order, we have summarily affirmed the District Court’s ruling on the merits of the plaintiffs’ racial-gerrymandering claims. See No. 16–649, *post*, p. ____.

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modified by that remedial plan “shall be shortened to one year” (rather than the regular two). *Id.*, at 203. Those legislators would then be replaced by new ones, to be chosen in court-ordered special elections in the fall of 2017. The legislators elected in those special elections, too, were then to “serve a one year term.” *Id.*, at 204. Finally, in order to make this regime workable, the court also suspended provisions of the North Carolina Constitution requiring prospective legislators to reside within a district for one year before they may be elected to represent it. See *id.*, at 203 (citing N. C. Const., Art. II, §§6–7). To explain why these measures were warranted, the court stated: “While special elections have costs, those costs pale in comparison to the injury caused by allowing citizens to continue to be represented by legislators elected pursuant to a racial gerrymander.” App. to Juris. Statement 200.

North Carolina appealed the District Court’s remedial order to this Court, and we granted a stay pending appeal. See 580 U. S. ___ (2017). The State now contends that “the remedial order should be vacated for the simple reason that the district court failed to meaningfully weigh any equitable considerations.” Juris. Statement 22. We share that assessment and now vacate the order.

Relief in redistricting cases is “fashioned in the light of well-known principles of equity.” *Reynolds v. Sims*, 377 U. S. 533, 585 (1964). A district court therefore must undertake an “equitable weighing process” to select a fitting remedy for the legal violations it has identified, *NAACP v. Hampton County Election Comm’n*, 470 U. S. 166, 183, n. 36 (1985), taking account of “what is necessary, what is fair, and what is workable,” *New York v. Cathedral Academy*, 434 U. S. 125, 129 (1977). And in the context of deciding whether to truncate existing legislators’ terms and order a special election, there is much for a court to weigh. Although this Court has never addressed whether or when a special election may be a proper remedy

Per Curiam

for a racial gerrymander, obvious considerations include the severity and nature of the particular constitutional violation, the extent of the likely disruption to the ordinary processes of governance if early elections are imposed, and the need to act with proper judicial restraint when intruding on state sovereignty. We do not suggest anything about the relative weight of these factors (or others), but they are among the matters a court would generally be expected to consider in its “balancing of the individual and collective interests” at stake. *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U. S. 1, 16 (1971).

Rather than undertaking such an analysis in this case, the District Court addressed the balance of equities in only the most cursory fashion. As noted above, the court simply announced that “[w]hile special elections have costs,” those unspecified costs “pale in comparison” to the prospect that citizens will be “represented by legislators elected pursuant to a racial gerrymander.” App. to Juris. Statement 200. That minimal reasoning would appear to justify a special election in *every* racial-gerrymandering case—a result clearly at odds with our demand for careful case-specific analysis. For that reason, we cannot have confidence that the court adequately grappled with the interests on both sides of the remedial question before us. And because the District Court’s discretion “was barely exercised here,” its order provides no meaningful basis for even deferential review. *Winter v. Natural Resources Defense Council, Inc.*, 555 U. S. 7, 27 (2008).

For these reasons, we vacate the District Court’s remedial order and remand the case for further proceedings consistent with this opinion.

It is so ordered.