

(ORDER LIST: 601 U.S.)

TUESDAY, OCTOBER 10, 2023

ORDERS IN PENDING CASES

23A16 STALCUP, THOMAS V. DEPT. OF DEFENSE

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

23A139 SHARMA, SIDDHANTH V. CIRCOSTA, DAMON, ET AL.

The application for injunction addressed to Justice Thomas and referred to the Court is denied.

23A152 LAJEUNESSE, MICHAEL V. KARBERG, WARDEN

23A197 BRADFORD, ROGER V. UNITED STATES

The applications for bail addressed to Justice Jackson and referred to the Court are denied.

23A210 BOCHRA, MARK V. DEPT. OF EDUCATION, ET AL.

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

23A230 GAZZOLA, NADINE, ET AL. V. HOCHUL, GOV. OF NY, ET AL.

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

23M25 BRUMFIELD, ROBERT V. McCOMAS, CHRISTINA

23M26 McCLUSKEY EL, TARA V. CELEBRITY CRUISES, INC.

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

22-277 MOODY, ATT'Y GEN. OF FL, ET AL. V. NETCHOICE, LLC, ET AL.

22-555 NETCHOICE, LLC, ET AL. V. PAXTON, ATT'Y GEN. OF TX

The following briefing schedule is adopted: Respondents in

No. 22-277 and petitioners in No. 22-555 shall file opening briefs on the merits on or before Thursday, November 30, 2023, and the briefs are to bear a light blue cover. Any brief of an *amicus curiae* in support or in support of neither party shall be filed on or before Thursday, December 7, 2023, and the brief shall bear a light green cover. Petitioners in No. 22-277 and respondents in No. 22-555 shall file response briefs on the merits on or before Tuesday, January 16, 2024, and the briefs are to bear a light red cover. Any brief of an *amicus curiae* in support shall be filed on or before Tuesday, January 23, 2024, and the brief shall bear a dark green cover. Reply briefs are to be filed in compliance with Rule 25.3, and the briefs are to bear a yellow cover. An *amicus curiae* shall file only a single brief in these cases.

23-5255 SWINTON, ROBERT L. V. LIVINGSTON COUNTY, NY, ET AL.

23-5311 HOLMES, C. V. GRANUAILE, LLC, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until October 31, 2023, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI DENIED**

22-977 BRUNS, JENNY, ET VIR V. USAA, ET AL.

22-1048 BLACKBURN, JOSEPH E., ET UX. V. DARE COUNTY, NC, ET AL.

22-1055 ELBAZ, LEE V. UNITED STATES

22-1082 LARRABEE, STEVEN M. V. DEL TORO, SEC. OF NAVY, ET AL.

22-1112 AVAIL VAPOR, LLC, ET AL. V. FDA

22-1118 ADAMS, CODY, ET AL. V. UNITED STATES

22-1158 MAGASSA, LASSANA V. MAYORKAS, SEC. OF HOMELAND, ET AL.  
22-1240 TASHMAN, NICOLAS V. ADVANCE AUTO PARTS, INC.  
22-1248 MISSOURI, ET AL. V. BIDEN, PRESIDENT OF U.S., ET AL.  
22-7286 ALEXANDER, VONTEAK V. DOE, JANE, ET AL.  
22-7474 CUTHBERTSON, QUINTON M. V. UNITED STATES  
22-7539 GALLMAN, STACY V. UNITED STATES  
22-7671 PALACIOS, EDUARDO C. V. TEXAS  
22-7904 DEMONT, ANDREW R. V. UNITED STATES  
23-11 DUBIN, GARY V. V. USDC HI  
23-12 KOWAL, JOHN V. FERNDAL SCHOOL DISTRICT, ET AL.  
23-18 BERNHARDT, DANA M., ET AL. V. HSBC HOLDINGS PLC, ET AL.  
23-30 ARGENT TRUST CO., ET AL. V. HARRISON, ROBERT  
23-76 KARUPAIYAN, PALANI V. INFOSYS BPM, ET AL.  
23-77 KARUPAIYAN, PALANI V. TATA CONSULTANCY SERVICES, ET AL.  
23-78 KARUPAIYAN, PALANI V. VAISSIE, ARNAUD, ET AL.  
23-83 BERNARD, MARTINE V. HODYL, CHRISTOPHER  
23-85 GIEHL, JAMES V. BANK OF AMERICA  
23-86 CHAMBERLIN, CHRISTOPHER B. V. HARTOG, BAER & HAND, APC, ET AL.  
23-87 CRAIG, CODY A. V. SOLORZANO, EMMA R.  
23-92 HOGANSON, JAMES E. V. COLORADO  
23-96 FULTON COUNTY, PA, ET AL. V. SEC. OF PA, ET AL.  
23-99 ADELSON, WENDY B. V. OCWEN LOAN SERVICING, ET AL.  
23-100 CLEMENS, JEFFREY L. V. O'HARA, MICHAEL J.  
23-102 CARRERA, MARVIN V. FORSBERG, RHONDA K.  
23-104 WATSON, GRANVILLE S. V. CONNECTICUT, ET AL.  
23-105 THORPE, JOE V. SALISBURY, PA, ET AL.  
23-110 ITUAH, ANISHA V. AUSTIN STATE HOSPITAL, ET AL.  
23-112 McELROY, IAN A. V. CORVALLIS, OR

23-113 POHL, MICHAEL G. V. UNITED STATES  
23-116 CALDWELL, RAHIM V. ANTHONY, JASON, ET AL.  
23-118 O'DWYER, ASHTON R. V. CARTER, RON, ET AL.  
23-127 COOPERMAN, LEONARD V. SSA  
23-129 TARDY, EDDIE V. CORECIVIC, ET AL.  
23-132 POLLICK, CYNTHIA L. V. TROZZOLILLO, ANTHONY P.  
23-136 BROWN, BALDWIN M. V. GARLAND, ATT'Y GEN.  
23-137 CREWS, YVONNE V. McDONOUGH, SEC. OF VA  
23-143 MN AUTOMOBILE DEALERS ASSN. V. MN POLLUTION CONTROL AGENCY  
23-144 MARCIANO, ANTHONY V. ADAMS, MAYOR, ET AL.  
23-145 SHKLYAR, ALEKSANDRA V. CARBOLINE CO.  
23-149 SABINE RIVER AUTH., LA V. BONIN, PERRY, ET AL.  
23-162 WINCHEL, CHRISTIAN V. UNITED STATES  
23-172 POLLICK, CYNTHIA L. V. TROZZOLILLO, ANTHONY P.  
23-180 LABORIN-LEDES, JUAN V. GARLAND, ATT'Y GEN.  
23-188 DUMAS, ROBERT D. V. UNITED STATES  
23-190 BONDYOPADHYAY, PROBIR K. V. UNITED STATES  
23-206 BURNS, JERRY L. V. IOWA  
23-214 MURRAY, JUANNELIOUS B. V. SAFIR LAW P.L.C.  
23-228 McKENNA, PAULE V. SONY PICTURES, ET AL.  
23-230 PERSONALIZED MEDIA COMM. V. APPLE INC.  
23-5039 CREECH, THOMAS E. V. RICHARDSON, WARDEN  
23-5222 ALI, MUSTAFA V. MINEHART, JEFFREY, ET AL.  
23-5234 JENKINS, CHERYL K. V. TENGOWSKI, MARK J.  
23-5250 FRANKLIN, JALEEL B. V. LUMPKIN, DIR., TX DCJ  
23-5251 GUIDA, MARK E. V. LUMPKIN, DIR., TX DCJ  
23-5253 HOBALLAH, YOUSSEF V. VIRGINIA  
23-5267 LUNN, DANA V. DETROIT, MI, ET AL.

23-5268 BAKAMBIA, MARC A. V. SCHNELL, PAUL, ET AL.  
23-5269 CHRISTO EL, NOBLE V. MILLER, WILLIAM T., ET AL.  
23-5271 VILLARREAL, ERIC V. CALIFORNIA  
23-5278 BELCHER, EARL M. V. WILLIAMS, WARDEN  
23-5279 ANNABEL, ROBERT V. NOVAK, JOSEPH, ET AL.  
23-5282 HEARNS, CLARENCE L. V. WHISNAND, ANDREW, ET AL.  
23-5286 GREEN, FREDERICK D. V. SMITH, WARDEN, ET AL.  
23-5289 CRAIN, WILLIE S. V. DIXON, SEC., FL DOC, ET AL.  
23-5293 DAVISON, ALONZO G. V. WHITTEN, WARDEN  
23-5294 WADE, MICKY D. V. TEXAS  
23-5297 KONE, TIDIANE V. MILBURN, JAMES  
23-5300 RAMOS, SANDRO V. RANKINS, CHRIS  
23-5301 WEST, MACK A. V. ULLOA, F., ET AL.  
23-5306 HOLBERT, KENNETH R. V. TEXAS  
23-5307 CROWDER, CURT D. V. TEXAS  
23-5313 ROQUE, LEONARDO V. BUFFALOE, SEC., NC DPS  
23-5315 REDFEARN, JESSE D. V. OKLAHOMA  
23-5321 REAVES, SAMUEL V. LUMPKIN, DIR., TX DCJ, ET AL.  
23-5323 COLLINS, DON V. JEFFREYS, ROB, ET AL.  
23-5336 WALKER, MAURICE V. LAMB, WARDEN  
23-5343 HALFHILL, SCOTT L. V. WASHINGTON  
23-5350 RAMSEY, DANIEL C. V. CALIFORNIA  
23-5357 SMITH, CARLOS E. V. UNITED STATES  
23-5359 BURKE, JAMES T. V. DEML, COMM'R, VT DOC, ET AL.  
23-5360 McCOY, GREGORY L. V. UNITED STATES  
23-5365 TAYLOR, MARCUS R. V. UNITED STATES  
23-5368 REYNOLDS, LARRY S. V. ELLER, WARDEN  
23-5377 GAINES, ANTHONY S. V. UNITED STATES

23-5378 CAPOZZI, FRANK J. V. UNITED STATES  
23-5379 WILLS, EVERETT C. V. LOUISIANA  
23-5382 GRAHAM, JULIE A. V. McDONOUGH, SEC. OF VA  
23-5384 JOHNSON, WAYNE L. V. UNITED STATES  
23-5386 PARKER, BRYANT M. V. CLARKE, DIR., VA DOC  
23-5389 RODRIGUEZ, WILFREDO V. UNITED STATES  
23-5390 CHOPRA, NEERAJ V. UNITED STATES  
23-5391 MAGUINA, WALTER R. V. UNITED STATES  
23-5392 FERNANDEZ, ANGELO J. V. UNITED STATES  
23-5396 CLARK, ANTOINE V. UNITED STATES  
23-5398 LEDFORD, CHARLES M. V. UNITED STATES  
23-5401 CHRISTMAS, RAYSHAWN J. V. WEDD, UNKNOWN, ET AL.  
23-5403 MOREIRA BRAVO, LUIS ALFREDO V. UNITED STATES  
23-5405 PETERSEN, DAVID V. UNITED STATES  
23-5407 ASKEW, COREY A. V. BAILEY, SHERIFF  
23-5409 FRATUS, PETER V. UNITED STATES  
23-5412 SHRUM, KEITH A. V. UNITED STATES  
23-5419 WILLIAMS, SETH V. UNITED STATES  
23-5424 VACA, CAESAR V. V. UNITED STATES  
23-5425 ROSASEN, MARLON A. V. ROSASEN, THEA M.  
23-5426 ROBERTSON, CHRISTOPHER V. UNITED STATES  
23-5428 VALENZUELA, HECTOR G. V. UNITED STATES  
23-5430 BROWN, DEMITRI V. UNITED STATES  
23-5432 VAUGHN, KYLE V. UNITED STATES  
23-5433 ONONUJU, KINGSLEY A. V. VA HOUSING DEV. AUTH., ET AL.  
23-5434 MONCRIEFFE, LAMAR V. V. UNITED STATES  
23-5435 WEBB, MARQUES V. UNITED STATES  
23-5437 SANUSI, ADEDAYO H. V. UNITED STATES

23-5439 HUFFMAN, STEVEN V. UNITED STATES  
23-5440 GLUKHOY, ROMAN A. V. CALIFORNIA  
23-5442 JOHNSON, WAYNE J. V. CALIFORNIA  
23-5445 BAZEMORE, WILLIAM V. UNITED STATES  
23-5449 ROJAS, ANTONIO V. UNITED STATES  
23-5450 GARCIA-GUTIERREZ, HERMENEGILDO V. UNITED STATES  
23-5451 RIOS-HERNANDEZ, RAUL O. V. UNITED STATES  
23-5453 RAMIREZ-URBINA, PEDRO V. UNITED STATES  
23-5456 GILCREASE, JOHN E. V. LOUISIANA  
23-5461 GIDDINGS, JOSHUA D. V. KNUDSEN, AUSTIN, ET AL.  
23-5462 SOLORZANO, VICTOR M. V. UNITED STATES  
23-5466 ALEXANDER, TODDELL V. UNITED STATES  
23-5469 SPENCER, PEONTE S. V. UNITED STATES  
23-5473 SALAZAR, ARNEZ J. V. UNITED STATES  
23-5475 ZAHN, ELMER W. V. UNITED STATES  
23-5477 BUTLER, JAMES T. V. UNITED STATES  
23-5478 MONICAL, BRADLEY V. NOFZIGER, JEREMY M., ET AL.  
23-5483 BLAKE, DONTAVIOUS V. UNITED STATES  
23-5484 WHEELER, DION R. V. UNITED STATES  
23-5486 GONZALEZ-GONZALEZ, GILBERTO V. UNITED STATES  
23-5487 HERNANDEZ-MENDEZ, JOSE H. V. UNITED STATES  
23-5488 TOUSANT, DYWANE V. UNITED STATES  
23-5490 ELLER, FRANKLIN P. V. UNITED STATES  
23-5497 WOODS, MALIK V. DIST. ATT'Y PHILADELPHIA, ET AL.  
23-5499 DEL CID BRAN, MANUEL D. V. UNITED STATES  
23-5503 ALVARADO, ROMAN V. UNITED STATES  
23-5504 LAKES, JABRIEL F. V. UNITED STATES  
23-5506 GATA, ALISBEY S. V. UNITED STATES

23-5507 GREEN, CARLOS V. UNITED STATES  
23-5509 WHITE, VINCENT D. V. PHILLIPS, WARDEN  
23-5511 ELHAGE, JAY F. V. UNITED STATES  
23-5512 MENDOZA-GOMEZ, ROBINSON V. UNITED STATES  
23-5514 DILLARD, RODGER W. V. WYOMING  
23-5515 MEYER, CARMEN S. V. UNITED STATES  
23-5517 COX, KAMAR L. V. UNITED STATES  
23-5518 GAMBLE, WILLIE J. V. UNITED STATES  
23-5519 FIERROS, OCTAVIO C. V. UNITED STATES  
23-5522 GUERRA, JAVIER V. UNITED STATES  
23-5523 JONES, CEDRICK L. V. DIXON, SEC., FL DOC  
23-5526 RODRIGUEZ-MENDEZ, ADELFO V. UNITED STATES  
23-5531 CRABTREE, SHAWN A. V. OREGON BOARD OF PAROLE  
23-5535 LANE, MICHAEL R. V. UNITED STATES  
23-5537 BEAN, EUPHRATES E. V. VIRGINIA  
23-5539 THOMPSON, TREZJUAN V. UNITED STATES  
23-5540 RINALDI, MICHAEL V. UNITED STATES  
23-5547 HAHN, TIMOTHY J. V. FLORIDA  
23-5550 JONES, JOSEPH V. UNITED STATES  
23-5554 HICKMAN, CAMERON L. V. UNITED STATES  
23-5555 GARCIA-ALEMAN, ALFREDO V. UNITED STATES  
23-5560 RUFFIN, ANTHONY R. V. UNITED STATES  
23-5569 GUTIERREZ, FRANCISCO V. UNITED STATES  
23-5573 TINNEN, LASHUN T. V. UNITED STATES  
23-5574 WRIGHT, RAMONE L. V. UNITED STATES  
23-5578 PAW, APRIL V. UNITED STATES  
23-5583 LOPEZ, FERNANDO V. UNITED STATES  
23-5586 LEON, NESTOR V. UNITED STATES



23-5587 CARRINGTON, DANIEL V. UNITED STATES

The petitions for writs of certiorari are denied.

23-79 KARUPAIYAN, PALANI V. SOLOMON, LEE, ET AL.

The petition for a writ of certiorari before judgment is denied.

23-5316 BRESSI, AARON J. V. McCLOUD, TRACY, ET AL.

23-5318 BRESSI, AARON J. V. GEMBIC, JOHN, ET AL.

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8. As 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 petitions are submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

23-5325 ADAMS, CHARLES D. V. MSPB

23-5328 ADAMS, CHARLES D. V. MSPB

23-5329 ADAMS, CHARLES D. V. MSPB

23-5330 ADAMS, CHARLES D. V. MSPB

23-5337 BROWN, NOEL V. SOMERSET SCI, ADMIN., ET AL.

23-5467 ANDREWS, ANTHONY V. RAMOS, WARDEN

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

23-5524 JONES, MICHAEL, ET AL. V. UNITED STATES

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

petition.

23-5544 LEONOR, JUAN L. V. NEBRASKA

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*).

23-5584 ROGERS, RAYMOND L. 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.

**HABEAS CORPUS DENIED**

23-5561 IN RE REGINALD L. SHUMPERT

23-5590 IN RE JAMAR L. WILLIAMS

The petitions for writs of habeas corpus are denied.

**REHEARING DENIED**

22-6930 HACKNEY, ROBERT E. V. MICHIGAN

The petition for rehearing is denied.

**ATTORNEY DISCIPLINE**

D-3110 IN THE MATTER OF DISBARMENT OF JUDY RAYE MOATS

Judy Raye Moats, of Fairfax, Virginia, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring her to show cause why she should not be disbarred; and the time to file a response

having expired;

It is ordered that Judy Raye Moats is disbarred from the practice of law in this Court.

D-3111 IN THE MATTER OF DISBARMENT OF LANHI HUYNH SALDANA TIER

Lanhi Huynh Saldana Tier, of Princeton, New Jersey, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Lanhi Huynh Saldana Tier is disbarred from the practice of law in this Court.

D-3112 IN THE MATTER OF DISBARMENT OF CHRISTOPHER ALLEN BOYER

Christopher Allen Boyer, of Palestine, Texas, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Christopher Allen Boyer is disbarred from the practice of law in this Court.

D-3113 IN THE MATTER OF DISBARMENT OF JUSTIN INFURNA

Justin Infurna, of Orlando, Florida, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Justin Infurna is disbarred from the practice of law in this Court.

D-3114

IN THE MATTER OF DISBARMENT OF PATRICK J. NELSON

Patrick J. Nelson, of Kearney, Nebraska, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Patrick J. Nelson is disbarred from the practice of law in this Court.

D-3115

IN THE MATTER OF DISBARMENT OF HARRIET A. GILLIAM

Harriet A. Gilliam, of Riverhead, New York, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Harriet A. Gilliam is disbarred from the practice of law in this Court.

D-3116

IN THE MATTER OF DISBARMENT OF EDUARDO A. FLECHAS

Eduardo A. Flechas, of Pearl, Mississippi, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Eduardo A. Flechas is disbarred from the practice of law in this Court.

D-3117

IN THE MATTER OF DISBARMENT OF BRIAN MATTHEW LOVE

Brian Matthew Love, of Apex, North Carolina, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring him to

show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Brian Matthew Love is disbarred from the practice of law in this Court.

D-3118

IN THE MATTER OF DISBARMENT OF CLIFFORD BAER SILBIGER

Clifford Baer Silbiger, of Arbutus, Maryland, having been suspended from the practice of law in this Court by order of April 24, 2023; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Clifford Baer Silbiger is disbarred from the practice of law in this Court.

D-3119

IN THE MATTER OF DISBARMENT OF MICHAEL BRANDON COHEN

Michael Brandon Cohen, of Hollidaysburg, Pennsylvania, having been suspended from the practice of law in this Court by order of May 15, 2023; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Michael Brandon Cohen is disbarred from the practice of law in this Court.

D-3121

IN THE MATTER OF DISBARMENT OF STEVEN BERNARD FABRIZIO

Steven Bernard Fabrizio, of Chevy Chase, Maryland, having been suspended from the practice of law in this Court by order of May 22, 2023; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Steven Bernard Fabrizio is disbarred from the practice of law in this Court.

THOMAS, J., concurring

**SUPREME COURT OF THE UNITED STATES**DON BLANKENSHIP *v.* NBCUNIVERSAL, LLC, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 22–1125. Decided October 10, 2023

The petition for a writ of certiorari is denied.

JUSTICE THOMAS, concurring in the denial of certiorari.

“The common law of libel at the time the First and Fourteenth Amendments were ratified did not require public figures to satisfy any kind of heightened liability standard as a condition of recovering damages.” *McKee v. Cosby*, 586 U. S. \_\_\_, \_\_\_ (2019) (THOMAS, J., concurring in denial of certiorari) (slip op., at 6). To be sure, the law was not static; “[i]n the first decades after the adoption of the Constitution,” the rule that “truth or good motives was no defense” to libel “was changed by judicial decision, statute or constitution in most States.” *Beauharnais v. Illinois*, 343 U. S. 250, 254 (1952). But from the founding until 1964, the law of defamation was “almost exclusively the business of state courts and legislatures.” *Gertz v. Robert Welch, Inc.*, 418 U. S. 323, 369–370 (1974) (White, J., dissenting).

The Court usurped control over libel law and imposed its own elevated standard in *New York Times Co. v. Sullivan*, 376 U. S. 254 (1964). It decreed that the Constitution required “a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with ‘actual malice’—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.” *Id.*, at 279–280. The Court did not base this “actual malice” rule in the original meaning of the First Amendment. It limited its analysis of the historical record to a loose inference from opposition surrounding the Sedition

THOMAS, J., concurring

Act of 1798, see *McKee*, 586 U. S., at \_\_\_–\_\_\_ (opinion of THOMAS, J.) (slip op., at 12–13), and primarily justified its constitutional rule by noting that 20th century state-court decisions and “the consensus of scholarly opinion apparently favor[ed] the rule,” *New York Times*, 376 U. S., at 280, and n. 20.

I continue to adhere to my view that we should reconsider the actual-malice standard. See *Counterman v. Colorado*, 600 U. S. 66, 105 (2023) (dissenting opinion); *Coral Ridge Ministries Media, Inc. v. Southern Poverty Law Center*, 597 U. S. \_\_\_, \_\_\_ (2022) (same) (slip op., at 3); *Berisha v. Lawson*, 594 U. S. \_\_\_, \_\_\_ (2021) (same) (slip op., at 3); *McKee*, 586 U. S., at \_\_\_ (opinion of THOMAS, J.) (slip op., at 14). “*New York Times* and the Court’s decisions extending it were policy-driven decisions masquerading as constitutional law.” *Id.*, at \_\_\_ (same) (slip op., at 2). The decisions have “no relation to the text, history, or structure of the Constitution.” *Tah v. Global Witness Publishing, Inc.*, 991 F. 3d 231, 251 (CADDC 2021) (Silberman, J., dissenting in part). And the actual-malice standard comes at a heavy cost, allowing media organizations and interest groups “to cast false aspersions on public figures with near impunity.” *Id.*, at 254. The Court cannot justify continuing to impose a rule of its own creation when it has not “even inquired whether the First or Fourteenth Amendment, as originally understood, encompasses an actual-malice standard.” *Coral Ridge Ministries*, 597 U. S., at \_\_\_ (opinion of THOMAS, J.) (internal quotation marks omitted) (slip op., at 3).

Petitioner Don Blankenship asks us to revisit *New York Times*. I agree with the Court’s decision not to take up that question in this case because it appears that Blankenship’s claims are independently subject to an actual-malice standard as a matter of state law. See *State ex rel. Suriano v. Gaughan*, 198 W. Va. 339, 356, 480 S. E. 2d 548, 565 (1996). In an appropriate case, however, we should reconsider *New*

THOMAS, J., concurring

*York Times* and our other decisions displacing state defamation law.