

(ORDER LIST: 595 U.S.)

TUESDAY, FEBRUARY 22, 2022

ORDERS IN PENDING CASES

21M62 CONLEY, VERNELL V. PAYNE, DIR., AR DOC

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

21M63 M. D. V. MT DEPT. OF PUB. HEALTH, ET AL.

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

21M64 WATSON, TERRY G. V. WITTY, KAREY L., ET AL.

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

21M65 CONNER, WILLIE V. FOLKS, WARDEN

The motion to direct the Clerk to file a petition for a writ of certiorari is denied.

21M66 MONTALBAN, JOSE V. MR. POWELL, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

21M67 LIVIZ, ILYA V. SUPREME COURT OF MA

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

21M68 LUNDSTEDT, PETER V. JPMORGAN CHASE BANK, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

21M69 JAMES, LATWON V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record

is granted.

21M70 RAND, MICHAEL T. V. UNITED STATES

21M71 CLAIR, GARY L. V. DIXON, SEC., FL DOC, ET AL.

21M72 POPSON, TOMAS C. V. KANSAS CITY, MO, ET AL.

21M73 SYBBLISS, DWAYNE K. V. GARLAND, ATT'Y GEN.

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

21M74 DEEM, MICHAEL A. V. DiMELLA-DEEM, LORNA M.

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

21M75 BASKERVILLE, WILLIAM V. UNITED STATES

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

21M76 SHERWOOD, ROBIN L. V. NEOTTI, WARDEN

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

21M77 SALISBURY, CHRISTOPHER M. V. UNITED STATES

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

21M78 SPENCER, DENNIS V. COLORADO

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

21M79 MAYE, GARY V. UNITED STATES

21M80 B. B. V. FL DEPT. OF CHILDREN, ET AL.

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

145, ORIG. ) DELAWARE V. PENNSYLVANIA AND WISCONSIN

)

146, ORIG. ) ARKANSAS, ET AL. V. DELAWARE

The Exceptions to the Special Master Report are set for oral argument in due course. The motion of Delaware for leave to file Volume III of its appendix under seal is granted. The motion of Arkansas, et al. for leave to file Volume III of their appendix under seal is granted.

21-234 GEORGE, KEVIN R. V. McDONOUGH, SEC. OF VA

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

21-309 SOUTHWEST AIRLINES CO. V. SAXON, LATRICE

The motion of petitioner to dispense with printing the joint appendix is granted. Justice Barrett took no part in the consideration or decision of this motion.

21-429 OKLAHOMA V. CASTRO-HUERTA, VICTOR M.

21-439 NANCE, MICHAEL V. WARD, COMM'R, GA DOC, ET AL.

21-441 SIEGEL, ALFRED H. V. FITZGERALD, JOHN P.

21-511 SHOOP, WARDEN V. TWYFORD, RAYMOND A.

The motions to dispense with printing the joint appendices are granted.

21-676 MUSTA, SUSAN K. V. MENDOTA HEIGHTS DENTAL, ET AL.

21-746 APPLE INC. V. QUALCOMM INC.

21-998 BIERBACH, DANIEL V. DIGGER'S POLARIS, ET AL.

The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

21-1086 ) MERRILL, AL SEC. OF STATE, ET AL. V. MILLIGAN, EVAN, ET AL.

)

21-1087 ) MERRILL, AL SEC. OF STATE, ET AL. V. CASTER, MARCUS, ET AL.

These cases are consolidated, and a total of one hour is allotted for oral argument. The question presented in these

cases is: Whether the District Courts in these cases correctly found a violation of section 2 of the Voting Rights Act, 52 U. S. C. §10301.

21-5726 KEMP, DEXTER E. V. UNITED STATES

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

21-6689 MCGARRY, DANIEL L. V. CALIFORNIA

21-6740 CHIQUITO, TEDDY V. UNITED STATES, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 15, 2022, 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 GRANTED**

21-432 ARELLANO, ADOLFO R. V. McDONOUGH, SEC. OF VA

The petition for a writ of certiorari is granted.

21-476 303 CREATIVE LLC, ET AL. V. ELENIS, AUBREY, ET AL.

The petition for a writ of certiorari is granted limited to the following question: Whether applying a public-accommodation law to compel an artist to speak or stay silent violates the Free Speech Clause of the First Amendment.

**CERTIORARI DENIED**

21-27 ARROW HIGHWAY STEEL, INC. V. DUBIN, ROBERT

21-225 HOWARD, ASHLEY M. V. TEXAS

21-385 DRASC, INC., ET AL. V. NAVISTAR INT'L CORP., ET AL.

21-466 CATHEY, ERIC D. V. TEXAS

21-477 SELF, JASON, ET AL. V. CHER-AE HEIGHTS INDIAN COMMUNITY

21-533 MARTIN, BRAD, ET AL. V. CASTRO, CARLOS

21-541 TUGGLE, TRAVIS V. UNITED STATES

21-563 LENT, WARREN M., ET AL. V. CA COASTAL COMMISSION, ET AL.

21-579 SMITH, KENNETH E. V. HAMM, COMM'R, AL DOC, ET AL.

21-605 ) ROBERSON, DAVID L. V. UNITED STATES  
 )

21-706 ) GILBERT, JOEL I. V. UNITED STATES

21-615 WOODS, CHRISTOPHER A. V. AK STATE EMPLOYEES ASSN., ET AL.

21-653 HARVEY, HAROLD L. V. FLORIDA

21-661 EUGENE, OR, ET AL. V. FCC, ET AL.

21-675 CARSWELL, JEFFREY G., ET AL. V. E. PIHL & SONS, ET AL.

21-678 BIG SANDY RANCHERIA ENTERPRISES V. BONTA, ATT'Y GEN. OF CA, ET AL.

21-683 KITCHIN, JOHN C., ET AL. V. BRIDGETON LANDFILL, LLC, ET AL.

21-690 CANNADY, RODNEY E. V. UNITED STATES

21-692 HAYSTINGS, SGT., ET AL. V. KORB, ALBERT B.

21-716 SIVELLA, DAVID V. LYNDHURST, NJ, ET AL.

21-717 DOES 1-3, JOHN, ET AL. V. MILLS, GOV. OF ME, ET AL.

21-718 HERMANDAD DE EMPLEADOS, ET AL. V. UNITED STATES, ET AL.

21-724 NEW YORK UNIVERSITY V. SACERDOTE, ALAN, ET AL.

21-789 BENTON, CASEY V. BRADLEY, MARY, ET AL.

21-801 McCABE, BARRY V. FAIRFAX COUNTY, VA, ET AL.

21-803 DALE, WENDY V. BUTLER, ALGERNON L.

21-804 ZATTA, PHILIPPE Z. V. ELDRED, STEVEN C., ET AL.

21-805 NORBERG, DOUGLAS V. NV CTR. FOR DERMATOLOGY, ET AL.

21-810 VARGAS, LUIS L. V. LOS ANGELES, CA, ET AL.

21-811 YU, YANBIN, ET AL. V. APPLE INC., ET AL.

21-815 PIERSON, RAYMOND H. V. ROGOW, BRUCE S., ET AL.

21-820 LOUISIANA V. ALEXANDER, CHRISTOPHER

21-821 FARRIER, MARY J. V. LEICHT, GEORGE P., ET AL.

21-824 ABADIE, CECELIA F. V. LOUISIANA ATT'Y DISCIPLINARY BD.

21-831 JACOBSEN, MATT P. V. RUSHMORE LOAN MANAGEMENT, ET AL.

21-832 WALKER, TERRANCE V. INTELLI-HEART SERVICES, ET AL.

21-833 WHITEHEAD, DAVID L. V. TRAVELER'S INSURANCE CO., ET AL.

21-839 OEHMKE, THOMAS H. V. GUINAN, PATRICK A.

21-841 ) SMALLWOOD, MICHAEL V. NICHOLS, WILLIAM P., ET AL.

)

21-6309 ) SMITH, PATRICK A. V. NICHOLS, WILLIAM P., ET AL.

)

21-6392 ) BERRY, JANET V. NICHOLS, WILLIAM P., ET AL.

)

21-6535 ) SMITH, JENNIFER V. NICHOLS, WILLIAM P., ET AL.

)

21-6545 ) NICHOLS, DEBRA A. V. NICHOLS, WILLIAM P., ET AL.

21-845 PITLOR, DAVID V. TD AMERITRADE INC., ET AL.

21-850 ELINE, CHELSEA C., ET AL. V. OCEAN CITY, MD

21-853 HEIDARI, REZA V. GARLAND, ATT'Y GEN.

21-855 MAHONEY, PAUL M. V. COURT OF APPEAL OF CA

21-856 BILDER, BARRY D. V. DYKSTRA, JANICE

21-858 CLASSIC CAB CO. V. DC DEPT. OF FOR-HIRE VEHICLES

21-861 FIRST RELIANCE LIFE INSURANCE V. GIORGIO ARMANI CORP.

21-862 HARTMAN, SAMUEL V. PAYNE, DIR., AR DOC

21-863 TALAMANTES-ENRIQUEZ, ALFREDO N. V. GARLAND, ATT'Y GEN.

21-864 YOUNG, GEOFFREY M. V. BARR, GARLAND

21-875 BARNETT, HARRY V. MENARD, INC.

21-878 SEIBERT, CARL M. V. McINTIRE, JEREMY, ET AL.

21-879 MAYER, GREGORY V. HARTFORD LIFE AND ACCIDENT INS.

21-881 SHAO, LINDA V. McMANIS FAULKNER, LLP

21-883 GORE, GLEN D. V. OKLAHOMA

21-886 ISLAMI, ISMET V. KEMPER INDEPENDENCE INSURANCE

21-889 HUSSAIN, BILAL V. GARLAND, ATT'Y GEN.

21-891 WEY, BENJAMIN, ET AL. V. NASDAQ, INC., ET AL.

21-892 PATTERSON, MICAH J. V. VIRGINIA

21-893 APOTEX INC., ET AL. V. CEPHALON, INC., ET AL.  
21-894 GARDNER, HELEN V. NY PRESBYTERIAN HOSPITAL, ET AL.  
21-897 BENSON, BRIAN, ET AL. V. KEMSKE, ANN, ET VIR  
21-904 KINNEY, CHARLES G. V. UNITED STATES, ET AL.  
21-905 RIMPSON, NATHANIEL, ET AL. V. UNITED STATES  
21-907 KIRBY, KENDA R. V. NORTH CAROLINA  
21-909 BUI, KHAI Q. V. CABAELLERO, HERNAN R.  
21-910 ZAITZEFF, DAVID V. SEATTLE, WA  
21-911 SHARP, DAN V. V. UNITED STATES  
21-912 MAEHR, JEFFREY T. V. DEPT. OF STATE  
21-913 JAMESTOWN S'KLALLAM TRIBE, ET AL. V. LUMMI NATION, ET AL.  
21-915 McKINNEY, HUGH V. WORMUTH, SEC. OF ARMY  
21-916 FOFANA, ABRAHIM M. V. MAYORKAS, SEC. OF HOMELAND  
21-917 DIAZ, ABEL V. WARDEN, FCI BENNETTSVILLE  
21-919 RODENBURG LLP V. CERTAIN UNDERWRITERS AT LLOYD'S  
21-921 WITASCHEK, MARK A. V. DISTRICT OF COLUMBIA  
21-922 COMBS, JAMES V. INDIANA  
21-923 PACHECO, DELILA V. OKLAHOMA  
21-924 ATRAQCHI, MICHAEL R., ET UX. V. UNITED STATES, ET AL.  
21-925 MONTERO, ADOLFO S. V. UNITED STATES  
21-927 CRABTREE, DONALD C. V. CRABTREE, CHRISTINE  
21-935 McILWAIN LLC V. HAGENS BERMAN SOBOL SHAPIRO LLP  
21-937 HOLLOWAY, CHRISTOPHER L. V. MINNESOTA  
21-940 KENTUCKY V. McCARTHY, JARED  
21-946 COSCIA, MICHAEL V. UNITED STATES  
21-947 DAVIS, TETTUS, ET UX. V. HODGKISS, JONATHON  
21-957 WEBBER, MARCI M. V. ILLINOIS  
21-964 RYE, SHERRIE V. LUCAS CTY. DEPT. OF JOB

21-982 MARKLAND, TIMOTHY O. V. ASSET ACCEPTANCE, LLC  
21-983 MEISNER, RHONDA V. ZYMOGENETICS INC., ET AL.  
21-985 OKLAHOMA V. SHRIVER, GAGE CHRISTOPHER J.  
21-996 ALLUMS, YONELL V. UNITED STATES  
21-1006 KIRSCHNER, MARC S. V. FITZSIMONS, DENNIS J., ET AL.  
21-1007 HAWKLAND, ROBERT A. V. HALL, BURKE, ET AL.  
21-1011 PATTEN, DERWIN, ET AL. V. DISTRICT OF COLUMBIA  
21-1012 HEIDELBERG, BRAD, ET AL. V. D.O.H. OIL CO.  
21-1023 GOW, KAY V. UNITED STATES  
21-1026 WALTERS, CAMILLE A. V. WI LAWYER REGULATION, ET AL.  
21-1035 HARRIS, JOSHUA V. CIR  
21-1036 GAMON PLUS, INC. V. CAMPBELL SOUP CO., ET AL.  
21-5411 SMITH, JEROME S. V. HOOPER, WARDEN  
21-5777 WILSON, VANCE K. V. LOUISIANA  
21-5826 BAXTER, ARMEL V. MCGINLEY, SUPT., COAL TOWNSHIP  
21-5902 CAMPBELL, ALHAKKA V. UNITED STATES  
21-5905 CHRISTEN, MITCHELL L. V. WISCONSIN  
21-5909 COOPER, SANDS V. ADV. INTERNET AUTO, ET AL.  
21-5928 GARCIA, PAUL ANDRE JUDE M. V. GARLAND, ATT'Y GEN.  
21-5972 CAMARGO, ALFREDO V. SHINN, DIR., AZ DOC, ET AL.  
21-5978 HALL, DEREK L. V. UNITED STATES  
21-6068 TINGLE, RONALD V. UNITED STATES  
21-6120 PEREZ, JAVIER V. UNITED STATES  
21-6139 NUÑEZ, YENCY V. UNITED STATES  
21-6159 SKINNER, MICHAEL V. FLORIDA  
21-6190 FINLEY, JOE L. V. UNITED STATES  
21-6191 HERNANDEZ-PACHECO, JULIO V. UNITED STATES  
21-6202 CLARK, CHARLES G. V. HAMM, COMM'R, AL DOC



21-6285 HUGHBANKS, GARY V. SHOOP, WARDEN  
21-6289 ANDREWS, NORRIS D. V. UNITED STATES  
21-6295 MACK, JMARREON V. UNITED STATES  
21-6388 ROACH, CALVIN V. WASHINGTON, DIR., U.S. MARSHALS  
21-6393 WOODBURY, MICHAEL L. V. FLORIDA  
21-6403 GUILLORY, GARLAND V. UNITED STATES  
21-6408 HARNAGE, JAMES A. V. BRENNAN, JANINE, ET AL.  
21-6413 SMITH, BETTY C. V. FLEMING, JASON, ET AL.  
21-6414 MARIETTA, CHARLES W. V. LoBUE, LEANNE, ET AL.  
21-6420 TANASESCU, SIMONA, ET AL. V. COROIAN, DORIN, ET AL.  
21-6430 ROBERSON, MICHAEL C. V. MORGAN, JOE, ET AL.  
21-6432 RYDER, JAMES C. V. OKLAHOMA  
21-6438 SMITH, DAVID L. V. NORTH CAROLINA  
21-6443 BOSSE, SHAUN M. V. OKLAHOMA  
21-6451 BENSON, ADA M. V. IHSS DPSS, ET AL.  
21-6462 GOODE, CLARENCE R. V. OKLAHOMA  
21-6464 HANSON, JOHN F. V. OKLAHOMA  
21-6469 CAMPBELL, GLEN V. LaMANNA, J.  
21-6470 KOGIANES, MICHAEL G. V. JENSEN, EDWARD, ET AL.  
21-6475 HOLLINGSWORTH, MARK V. MARYLAND  
21-6478 MERID, ENDALKACHEW V. VIRGINIA  
21-6479 LANGSTON, EARNEST L. V. PHILLIPS, DON  
21-6480 MARTINEZ, FRANCISCO C. V. LUMPKIN, DIR., TX DCJ  
21-6485 R. S. C. V. TX DEPT. OF FAMILY  
21-6488 MANN, BERTRAM S. V. FLORIDA  
21-6489 SWANSON, EDWARD F. V. TEXAS  
21-6493 KINLEY, JARRETT A. V. PENNSYLVANIA  
21-6494 COLE, BENJAMIN R. V. OKLAHOMA

21-6495 AMARO, PEDRO J. V. NEW MEXICO, ET AL.

21-6496 WOOD, CHRISTOPHER V. FLORIDA

21-6497 PARK, HYE-YOUNG V. BRUCE, COLIN S.

21-6498 PARK, HYE-YOUNG V. UNIV. BD. OF TRUSTEES, ET AL.

21-6503 GUPTA, PRADEEP V. UNIV. OF CT

21-6506 ALLEN, E'MARIO C. V. NOETH, SUPT., ATTICA

21-6507 BROWN, LYLE Q. V. OKLAHOMA

21-6508 JONES, DANIEL V. HOCHUL, GOV. OF NY, ET AL.

21-6509 OGUNJOBI, ADESIJUOLA V. UNITED NATIONS, ET AL.

21-6511 SMITH, BETTY C. V. DANIEL, ZACHARY T.

21-6513 SCHNEIDER, CHRISTOPHER V. BANK OF AMERICA, ET AL.

21-6515 MORRIS, CHADD A. V. WORLEY, JERRY, ET AL.

21-6516 ROBINSON, MARTIN V. BAILEY, SEAN

21-6526 PEPPER, DARNEAU V. V. WILLIAMS, DIR., CO DOC, ET AL.

21-6527 JOHNSON, RONALD V. KANSAS

21-6528 LEON, TUSHKAHOMMA J. V. OKLAHOMA

21-6529 JENKINS, BRANDON L. V. OKLAHOMA

21-6531 NICHOLS, BILLY M. V. KERSTEIN, GARY, ET AL.

21-6532 KRUPPE, MARY N. V. CALIFORNIA

21-6533 JOHNSON, JABARI J. V. McGUIRE, KATHLEEN, ET AL.

21-6543 MACKENZIE, CRAIG S. V. FUDGE, SEC. OF HUD, ET AL.

21-6547 LONG, RICHARD L. V. VANNOY, WARDEN

21-6558 ROSARIO, KEITH A. V. PENNSYLVANIA

21-6562 PLAZA, FRANCIS T. V. SMITH, SUPT., HOUTZDALE, ET AL.

21-6563 SANCHEZ-TORRES, HECTOR V. FLORIDA

21-6564 CRUZ, ANTHONY V. CALIFORNIA

21-6567 BROWN, DION V. ILLINOIS

21-6574 WARTERFIELD, ROBERT T. V. LUMPKIN, DIR., TX DCJ

21-6577 OSTOPOWICZ, CHRISTINE K. V. UNITED HEALTHCARE  
21-6578 LERI, GREGORY V. UNITED STATES  
21-6586 MARTINEZ, MARK J. V. CALIFORNIA  
21-6588 ANDERSON, AMY B. V. WRIGHT, WARDEN, ET AL.  
21-6590 KING, TERRY L. V. TENNESSEE  
21-6596 WOODS, JIMMY D. V. ARIZONA, ET AL.  
21-6602 CHRISTIAN, BRANDON V. CROW, DIR., OK DOC  
21-6603 BLAUCH, JOANNA V. WESTMINSTER, CO, ET AL.  
21-6604 BOWERS, ANDRE V. NOETH, SUPT., ATTICA  
21-6606 TYMES, AKIL V. DIXON, SEC., FL DOC  
21-6610 BRUNER, CODY A. V. OKLAHOMA  
21-6611 SALAZAR, YANET C. V. GARLAND, ATT'Y GEN.  
21-6612 CAVITT, BRIAN V. MASSACHUSETTS  
21-6613 RUSSELL, DeANDRE, ET UX. V. UNITED STATES, ET AL.  
21-6619 NATION, JEREMIAH Y. V. FRAKES, DIR., NE DOC  
21-6620 PRALL, TORMU V. BRUCK, ATT'Y GEN. OF NJ, ET AL.  
21-6622 LAWSON, RUFUS V. WEST, OFFICER, ET AL.  
21-6626 EHINGER, RONALD D. V. MICHIGAN  
21-6627 GREENFIELD, BALITHA, ET AL. V. MUNOZ, VANESSA  
21-6628 McNABB, FRANK V. TEXAS  
21-6635 GIBBS, LARRY A. V. DIXON, SEC., FL DOC  
21-6637 IVERY, KENAN V. OHIO  
21-6641 WASHBURN, CHOO V. CLARK, JUANA Q.  
21-6647 KERR, KENNETH H. V. LUMPKIN, DIR., TX DCJ  
21-6648 MONTGOMERY, JOHN C. V. HUDSON, DAVID, ET AL.  
21-6649 HULTMAN, PAUL J. V. PARAMO, WARDEN  
21-6650 HARVELL, ZACHARY J. V. OKLAHOMA  
21-6652 FLUID, SALATHEO V. UNITED STATES

21-6653 FERMIN, URBAN V. ANNUCCI, COMM'R, NY DOC  
 21-6654 DAVIDSON, DONALD H. V. FLORIDA  
 21-6655 TREVILLION, HENRY V. UNITED STATES  
 21-6660 JONES, JOSHUA V. V. RIDDER, EMILY, ET AL.  
 21-6662 WATTS, BRYANT C. V. TEXAS  
 21-6663 KHAN, ASHER A. V. UNITED STATES  
 21-6665 DeLIA, STEVEN W. V. DEPT. OF JUSTICE, ET AL.  
 21-6666 JOHNSON, JABARI J. V. JOHNSON, JAMES, ET AL.  
 21-6669 SCULLY, ROBERT W. V. CALIFORNIA  
 21-6672 BISHOP, TREVOR J. V. CALIFORNIA  
 21-6673 BEATTY, JOHN V. OHIO  
 21-6675 McCLELAND, ROBERT V. RAEMISCH, RICK, ET AL.  
 21-6677 PINSON, SHAWN V. TEXAS  
 21-6678 MENDEZ, RAUL V. BOISE, ID, ET AL.  
 21-6680 CANNON, JEMAIN M. V. OKLAHOMA  
 21-6681 CRAPSER, ERIC M. V. DIXON, SEC., FL DOC  
 21-6682 SHORT, MARCUS L. V. NEBRASKA  
 21-6683 VINES, DAVID M. V. BLACK DIAMOND, WA, ET AL.  
 21-6684 VOLPICELLI, FERRILL J. V. DISTRICT COURT OF NV, ET AL.  
 21-6686 BAKER, GARRY L. V. LUMPKIN, DIR., TX DCJ  
 21-6690 PYATT, JOE V. AECOM TECHNICAL SERVICES, INC.  
 21-6691 HICKS, AARON V. UNITED STATES  
 21-6692 RAMOS, ALEX D. V. UNITED STATES  
 21-6694 ) BRANTLEY, LAWRENCE S. V. TX DEPT. OF FAMILY  
 )  
 21-6696 ) L. W. V. TX DEPT. OF FAMILY  
 21-6697 WALKER, MELVIN V. UNITED STATES  
 21-6699 J. T. V. MONTGOMERY CTY. DEPT. OF HEALTH  
 21-6702 PORTER, OSCAR V. JOHNSON, ADM'R, NJ, ET AL.

21-6703 CUMBERLAND, JOSHUA V. VANNOY, WARDEN  
21-6704 DREW, JOSE D. V. UNITED STATES  
21-6705 WARTERFIELD, ROBERT T. V. LUMPKIN, DIR., TX DCJ  
21-6709 WIJE, SURAN V. UNITED STATES  
21-6712 FULLER, JERMAR J. V. TEXAS  
21-6715 SULLIVAN, LEIHINAHINA V. USDC HI  
21-6716 ROMERO, FERNANDO V. McDOWELL, WARDEN  
21-6717 SANDERS, KENNETH L. V. UNITED STATES  
21-6720 AL-MAQABLH, ALI V. CAMERON, ATT'Y GEN. OF KY  
21-6721 ANDERSON, TYRONE V. DELAWARE  
21-6722 TREVINO, DANIEL D. V. UNITED STATES  
21-6723 WATSON-BUISSON, JEREMY L. V. VIRGINIA  
21-6724 THOMPSON, CARL V. ALASKA  
21-6725 SCOHY, RUSS V. PINELLAS COUNTY CODE ENFORCEMENT  
21-6726 DAVIS, MARK J. V. FLORIDA  
21-6727 DICKINSON, ZANE V. SHINN, DIR., AZ DOC, ET AL.  
21-6728 SCHIED, DAVID V. U-HAUL INTERNATIONAL, ET AL.  
21-6729 SCHIED, DAVID V. UNITED STATES  
21-6730 BIYIKOGLU, MEHMET F. V. UNITED STATES  
21-6731 MCGARVEY, CURTIS J. V. UNITED STATES  
21-6737 DONOGHUE, JAMES, P., ET UX. V. CIR  
21-6738 WILLINGHAM, KADEEM V. UNITED STATES  
21-6741 DEMBY, JAMOR J. V. COUNTY OF CAMDEN, NJ, ET AL.  
21-6742 SALGADO-RODRIGUEZ, RAUDEL V. UNITED STATES  
21-6743 REYES, JUAN C. V. UNITED STATES  
21-6744 RESTO-FIGUEROA, JOSE D. V. UNITED STATES  
21-6745 GARRETT, ANTHONY T. V. UNITED STATES  
21-6746 RAMIREZ-RUBIO, ADAN V. UNITED STATES

21-6749 SULLIVAN, MATTHEW V. SPROUL, WARDEN  
21-6750 WILSON, CLAUDE J. V. UNITED STATES  
21-6751 MENDOZA, RUDY V. UNITED STATES  
21-6754 MINK, CHAD V. UNITED STATES  
21-6755 PUGH, KENNY V. ILLINOIS  
21-6757 PETLECHKOV, DIMITAR V. UNITED STATES  
21-6758 JONES, CAMERON T. V. UNITED STATES  
21-6759 JONES, DARLA R. V. JOHNSON, WARDEN  
21-6760 COTTON, DEANDRE S. V. UNITED STATES  
21-6761 KILLEN, PATRICK V. UNITED STATES  
21-6762 JUAREZ, KARINA L. V. UNITED STATES  
21-6767 CLARK, BRYCE C. V. UNITED STATES  
21-6768 GOINES, EMANUEL E. V. UNITED STATES  
21-6769 BURNING BREAST, LUKE J. V. UNITED STATES  
21-6775 HARDAWAY, TEMNE A. V. UNITED STATES  
21-6776 CAREY, WESLEY R. V. ILLINOIS  
21-6781 DURY, MATTHEW J. V. UNITED STATES  
21-6785 THOMAS, JARVIS V. UNITED STATES  
21-6786 WARREN, SEMAJI V. UNITED STATES  
21-6788 LINDSEY, BERNARD V. UNITED STATES  
21-6789 SINGH, GURPREET V. UNITED STATES  
21-6790 RYAN, TIMOTHY V. UNITED STATES  
21-6793 TILLMAN, MARKETTE V. UNITED STATES  
21-6795 WHITE, JERRY V. GARRETT, WARDEN, ET AL.  
21-6799 NORRIS, ERICH W. V. BROOK FOREST CMTY. ASSOC.  
21-6800 MURSHID, ABDULKHALIQ M. V. MISSISSIPPI  
21-6802 WILSON, TARVIS V. DIXON, SEC., FL DOC, ET AL.  
21-6803 ROSALES, JAVIER V. UNITED STATES

21-6812 VELASQUEZ, MANUEL G. V. UNITED STATES  
21-6814 FLORES-MORA, ELEAZAR V. UNITED STATES  
21-6816 CREWS, N'NEKA L. V. COLORADO  
21-6817 JONES, RUFUS B. V. DIXON, SEC., FL DOC  
21-6819 VARNER, CHRISTOPHER V. SHEPARD, STAN, ET AL.  
21-6821 COX, FRANCIS S. V. UNITED STATES  
21-6823 ARNOLD, RICHARD M. V. RICHARDSON, WARDEN  
21-6824 BARNES, DWIGHT F. V. UNITED STATES  
21-6825 BUSTAMANTE, DIANA V. UNITED STATES  
21-6831 RICHARDSON, ALBERT L. V. UNITED STATES  
21-6833 SARABIA, JASON L. V. UNITED STATES  
21-6838 BOYD, BERNARD S. V. UNITED STATES  
21-6839 AMODEO, FRANK L. V. UNITED STATES  
21-6840 BART, SANDRA L. V. UNITED STATES  
21-6844 CARABALLO-MARTINEZ, PEDRO R. V. UNITED STATES  
21-6849 VAQUIZ, EDWIN V. UNITED STATES  
21-6852 BRADLEY, JOEDON V. UNITED STATES  
21-6858 SMITH, DALTON L. V. UNITED STATES  
21-6859 SCOTT, JAQUIRRO T. V. UNITED STATES  
21-6860 LYERLA, LANNY J. V. UNITED STATES  
21-6861 KAYARATH, PIYARATH S. V. UNITED STATES  
21-6863 LOUTE, NESLY V. UNITED STATES  
21-6864 JACKSON, DENNIS D. V. OHIO  
21-6874 BRITT, JOSHUA V. UNITED STATES  
21-6876 BRYAN, LEROY A. V. GARLAND, ATT'Y GEN.  
21-6878 COX, RONALD V. NOBLES, DEPUTY WARDEN, ET AL.  
21-6882 ARGUETA-URBINA, ALEXI L. V. UNITED STATES  
21-6884 RODRIGUEZ-MONSERRATE, HERMIN V. UNITED STATES

21-6885 GONZALEZ SEGOVIA, MIGUEL V. UNITED STATES  
21-6886 MARTINEZ-RIVERA, ROBERTO V. UNITED STATES  
21-6887 RODRIGUEZ-GARCIA, SERGIO V. UNITED STATES  
21-6888 RICHMOND, RYAN K. V. UNITED STATES  
21-6890 MOATS, ROBERT W. V. UNITED STATES  
21-6894 ALVARADO, ARNOLDO V. UNITED STATES  
21-6897 RUELAS, RAMON T. V. BOWSER, SUPT., TWO RIVERS  
21-6901 MATHES, WILBERT V. UNITED STATES  
21-6905 DIAZ-QUINTANA, RAMON V. UNITED STATES  
21-6908 FLORES, JESSIE V. CATES, WARDEN  
21-6910 CRUZADO-LAUREANO, JUAN M. V. MULDROW, W. STEPHEN  
21-6911 CAVIENSS, STANLEY A. V. UNITED STATES  
21-6912 JONES, JAMAR V. UNITED STATES  
21-6915 GAFFNEY, MAXWELL V. UNITED STATES  
21-6918 TREVINO, ROBERT R. V. LUMPKIN, DIR., TX DCJ  
21-6919 VIGIL, KEVIN V. UNITED STATES  
21-6920 COUSINS, PERRY V. UNITED STATES  
21-6921 PERVIS, SEDALE V. UNITED STATES, ET AL.  
21-6922 RODD, JEFFREY C. V. LaRIVA, WARDEN  
21-6924 VEYSEY, JOHN T. V. WILLIAMS, WARDEN  
21-6926 WILCHER, WILLIE V. UNITED STATES  
21-6929 SUMMERISE, ROZELLE V. UNITED STATES  
21-6930 RIVERA-GEORGE, JUAN V. UNITED STATES  
21-6933 RIVERA-ALEJANDRO, CARLOS V. UNITED STATES  
21-6936 CHEATHAM, CHARLES R. V. UNITED STATES  
21-6937 MICHAEL, COLIN V. UNITED STATES  
21-6939 BEARD, CLARENCE T. V. UNITED STATES  
21-6940 SALAS TORRES, FERNEY V. UNITED STATES



21-6942 GU, ALISON V. UNITED STATES  
21-6944 CORENO-GARAY, JUAN V. UNITED STATES  
21-6955 UMBAY, ERICA V. UNITED STATES  
21-6958 VORASIANGSUK, VORARUT V. UNITED STATES  
21-6960 ROUSH, JONATHAN C. V. UNITED STATES  
21-6977 FLANDERS, LAVONT V. UNITED STATES  
21-6984 HEJAZI, HAMID M. V. OREGON  
21-6985 HEJAZI, HAMID M. V. OREGON  
21-6988 PAVULAK, PAUL E. V. WARDEN, FMC BUTNER  
21-6991 KENNEY, LLOYD G. V. UNITED STATES

The petitions for writs of certiorari are denied.

21-210 WISCONSIN V. JENSEN, MARK D.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied. Justice Barrett took no part in the consideration or decision of this motion and this petition.

21-351 WILD, COURTNEY V. USDC SD FL

The motion of Child USA for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

21-560 DAKOTA ACCESS, LLC V. STANDING ROCK SIOUX, ET AL.

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

21-603 OHIO V. BRINKMAN, GEORGE

21-637 LEE, SUPT., EASTERN V. GARLICK, JAMES

21-705 OKLAHOMA V. YARGEE, TED R.

21-734 OKLAHOMA V. LITTLE, JUSTIN D.

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

21-874 ARMSTRONG, ARTHUR O. V. USDC ED NC

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

21-896 ) MARTIN, WARDEN V. JOHNSON, ALONZO C.  
21-6661 ) JOHNSON, ALONZO C. V. MARTIN, WARDEN

The motion of respondent in No. 21-896 for leave to proceed *in forma pauperis* is granted. The petitions for writs of certiorari are denied.

21-932 TRUMP, DONALD J. V. THOMPSON, BENNIE G., ET AL.

The motion of States United Democracy Center, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

21-934 WEINBACH, LANA V. BOEING CO., ET AL.

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

21-6483 McNEIL, ROBERT A. V. DEPT. OF STATE, ET AL.

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

21-6549 LAY, WADE V. OKLAHOMA

21-6550 LAY, WADE V. EL HABTI, WARDEN, ET AL.

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

21-6561 ARANOFF, GERALD V. ARANOFF, SUSAN  
21-6598 PLOURDE, GLEN V. NO. LIGHT ACADIA HOSP., ET AL.  
21-6608 TORRES, WILFREDO V. USDC SD NY  
21-6617 DOUGLAS, ALAN V. SUPERIOR COURT OF CA  
21-6633 HEJAZI, HAMID M. V. WHITE BIRD CLINIC

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.

21-6664 BREEST, ROBERT V. FORMELLA, ATT'Y GEN. OF NH  
21-6713 STRAW, ANDREW U. D. V. UNITED STATES

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. As petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners unless the docketing fees required by Rule 38(a) are 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*).

#### **HABEAS CORPUS DENIED**

21-6834 IN RE HOSEA JACKSON

The petition for a writ of habeas corpus is denied.

21-6797 IN RE LAWRENCE E. WILSON

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

21-6879 IN RE ALLEN F. CALTON

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

*pauperis* is denied, and the petition for a writ of habeas corpus 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*).

#### MANDAMUS DENIED

21-807 IN RE AMELIA ENG

21-6444 IN RE JAMES J. KNOCHER

The petitions for writs of mandamus are denied.

21-1039 IN RE GREGORY C. KAPORDELIS

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

21-6607 IN RE ANDREW T. BURNS

The petition for a writ of mandamus and/or prohibition is denied.

#### REHEARINGS DENIED

20-7144 HE, XUE JIE V. XUE, HAIRONG

20-8304 GOSTON, LEE V. PAYNE, DIR., AR DOC

20-8377 GARDNER, HERBERT G. V. LUMPKIN, DIR., TC DCJ

21-153 MANKARUSE, NAGUI V. INTEL CORP., ET AL.

21-507 LAWYERS UNITED INC., ET AL. V. UNITED STATES, ET AL.

21-525 BHIMNATHWALA, HEMANT V. NJ STATE JUDICIARY, ET AL.

21-562 PRUITT, KENNETH A. V. BIDEN, PRESIDENT OF U.S., ET AL.

21-610 SHUMAN, LOUIS S., ET UX. V. CIR

21-673 AUSTIN, ROBERT A. V. McCANN, JAMES, ET AL.  
21-720 RATHEAL, RODNEY S. V. UNITED STATES  
21-5038 BLEDSOE, DONNELL V. STOCKTON POLICE DEPT., ET AL.  
21-5079 BLEDSOE, DONNELL V. GUILIANI, JUDGE, ET AL.  
21-5190 HINES, NICHOLAS S. V. REISCH, SEC., SD DOC, ET AL.  
21-5223 BLEDSOE, DONNELL V. CBS TELEVISION NETWORK, ET AL.  
21-5416 BLEDSOE, DONNELL V. FACEBOOK, ET AL.  
21-5470 LOMELI-GARCIA, ALEKSYS V. SHINN, DIR., AZ DOC, ET AL.  
21-5490 BOURGEOIS, JOSEPH M. V. TEXAS  
21-5554 GIBBS, JOSEPH H. V. SOUTH CAROLINA  
21-5621 IN RE PATRICK DISANTO  
21-5623 ROBERTS, FELIX V. LUMPKIN, DIR., TX DCJ  
21-5654 ORTEGA, MICHAEL V. OREGON  
21-5677 ARMSTEAD, RANDOLPH V. DEVILLE, WARDEN  
21-5696 GU, FAN V. INVISTA S.A.R.L.  
21-5733 WESTRY, ERIC V. LEON, VICTOR  
21-5760 AURIEMMA, ANTHONY V. BROOMFIELD MUNICIPAL CT., ET AL.  
21-5781 SCURLOCK-ZINDLER, ADELAIDE L. V. ZINDLER, PETER H.  
21-5897 SHAKOURI, SHAHRAM V. LUMPKIN, DIR., TX DCJ  
21-5903 JOHNSON, ANGELA, ET AL. V. UNITED STATES  
21-5986 HAMPTON, KATHLEEN C. V. PROF-2013-S3 LEGAL TITLE TRUST  
21-5987 HAMPTON, KATHLEEN C. V. PROF-2013-S3 LEGAL TITLE TRUST  
21-6025 HINES, STEWART V. NELSON, GWENDOLEN C.  
21-6032 HURT, CHARLES F. V. USDC SD TX  
21-6052 MATTISON, LAWRENCE E. V. UNITED STATES  
21-6162 SALES, ANTWAIN T. V. TENNESSEE

The petitions for rehearing are denied.

20-8461 IN RE RICHARD C. LUSSY

The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this petition.

21-154 MANKARUSE, NAGUI V. RAYTHEON CO., ET AL.

The petition for rehearing is denied. Justice Breyer and Justice Alito took no part in the consideration or decision of this petition.

21-435 LOGGINS, KEVIN D. V. PILSHAW, JUDGE, ET AL.

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

21-5832 IN RE LESLIE WILLIS

21-5833 IN RE LESLIE WILLIS

The petitions for rehearing are denied. Justice Alito took no part in the consideration or decision of these petitions.

20-7143 SHI, HEYANGJING, ET AL. V. MASH, JIM J.

The motion for leave to file a petition for rehearing is denied.

Statement of SOTOMAYOR, J.

**SUPREME COURT OF THE UNITED STATES**

ANGEL ORTIZ *v.* DENNIS BRESLIN, SUPERINTENDENT, QUEENSBORO CORRECTIONAL FACILITY, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF NEW YORK

No. 20–7846. Decided February 22, 2022

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

In New York, criminal defendants who earn sufficient good time credits before the end of their prison sentences are entitled to conditional release. Defendants classified by the State as “level three sex offenders,” however, must first assure the State that they will not reside within 1,000 feet of any school. In New York City, this is no easy task, and the difficulties of finding a compliant residence can result in defendants serving additional time in prison past the expiration of their sentences. Because petitioner Angel Ortiz was unable to identify any release address that satisfied the State’s requirement, he spent over two additional years incarcerated when he should have been at liberty. Although Ortiz’s petition does not satisfy this Court’s criteria for granting certiorari, I write to emphasize that New York’s residential prohibition, as applied to New York City, raises serious constitutional concerns.

I

Ortiz was sentenced in New York state court to 10 years in prison and 5 years of postrelease supervision. Near the end of his prison term, Ortiz had earned good time credits that entitled him to release to a term of community supervision. As required by New York’s Department of Correc-

## Statement of SOTOMAYOR, J.

tions and Community Supervision (DOCCS), Ortiz proposed that he would reside with his mother and his daughter in their New York City apartment. The DOCCS denied Ortiz’s request, citing New York law that it interprets to prohibit a person designated as a “level three sex offender,” like Ortiz, from residing within 1,000 feet of a school. See N. Y. Exec. Law Ann. §259–c(14); N. Y. Penal Law Ann. §220.00 (West Cum. Supp. 2022).<sup>1</sup> Ortiz then proposed dozens of other release addresses, including various homeless shelters, but DOCCS rejected each one. As a result, Ortiz spent the entirety of his 17 months of conditional release in prison.

Even after Ortiz served the full 10 years of his sentence, Ortiz’s confinement did not end. Instead of releasing Ortiz, New York transferred him to a state prison that it designated a “Residential Treatment Facility” to begin serving his period of postrelease supervision. Ortiz spent eight months in two of these facilities, where he lived behind barbed wire, in a general prison population, in conditions nearly identical to those in which he served his sentence.<sup>2</sup> All told, because of New York’s residency prohibition, Ortiz was imprisoned for over two years longer than he otherwise would have been.

While at a Residential Treatment Facility, Ortiz filed a petition for a writ of habeas corpus in state court, seeking release to any one of the New York City Department of

---

<sup>1</sup> The text of the relevant law provides that a covered “offender shall refrain from knowingly entering into or upon any school grounds.” N. Y. Exec. Law Ann. §259–c(14). New York defines “[s]chool grounds” as “any area accessible to the public located within one thousand feet” of a school. N. Y. Penal Law Ann. §220.00. DOCCS interpreted this requirement to reject Ortiz’s proposed release address because a childcare center was located in his family’s apartment building.

<sup>2</sup> The principal difference between the treatment of Ortiz and the other residents serving sentences was that Ortiz was occasionally allowed to leave, guarded by armed correctional officers, to join a work crew that unloaded trucks at a nearby police facility.



Statement of SOTOMAYOR, J.

Homeless Services shelters, or, failing that, to live unhoused on the street. The court denied the writ, reasoning that Ortiz had not located “compliant community housing,” and thus, his continued detention was warranted. App. to Pet. for Cert. 91a. The intermediate appellate court affirmed, and, in a divided opinion, the New York Court of Appeals affirmed as well.

## II

In effect, New York’s policy requires indefinite incarceration for some indigent people judged to be sex offenders. The within-1,000-feet-of-a-school ban makes residency for Ortiz and others practically impossible in New York City, where the city’s density guarantees close proximity of schools. See *Gonzalez v. Annucci*, 32 N. Y. 3d 461, 470, 117 N. E. 3d 795, 800 (2018) (acknowledging the “dearth” of compliant housing in New York City). Rather than tailor its policy to the geography of New York City or provide shelter options for this group, New York has chosen to imprison people who cannot afford compliant housing past both their conditional release date and the expiration of their maximum sentences.

Judge Jenny Rivera’s dissent below ably explains how New York’s policies as applied to people like Ortiz raise constitutional concerns.<sup>3</sup> *People ex rel. Johnson v. Superintendent*, 36 N. Y. 3d 187, 207, 163 N. E. 3d 1041, 1056 (2020). Although individuals generally do not have a protected liberty interest in conditional release before expiration of their sentences, such an interest “may arise from an expectation or interest created by state laws or policies.” *Wilkinson v. Austin*, 545 U. S. 209, 221 (2005); see also *Sandin v. Conner*, 515 U. S. 472, 483–484 (1995) (“States may under certain circumstances create liberty interests. . . protected by

---

<sup>3</sup>Judge Rowan Wilson’s dissent also importantly addresses how DOCCS’s policy violates New York City’s obligation to provide shelter to those in need. *Johnson*, 36 N. Y. 3d, at 231, 163 N. E. 3d, at 1072.

Statement of SOTOMAYOR, J.

the Due Process Clause”). Here, New York law provides that a defendant “shall . . . be conditionally released” once he earns sufficient credits, as Ortiz did. N. Y. Penal Law Ann. §70.40 (West 2021). As a New York City resident, Ortiz also enjoyed a right to “shelter and board [for] each homeless man who applies for it.” *Callahan v. Carey*, 307 App. Div. 2d 150, 151, 762 N. Y. S. 2d 349, 350 (2003). In my view, under these New York state and city policies, Ortiz may well have held a liberty interest at the point that he became entitled to conditional release. At the very least, however, Ortiz indisputably held a liberty interest in his release at the expiration of his full sentence.

The State’s denial of Ortiz’s liberty interest in his release demands heightened scrutiny. Even absent such scrutiny, however, as Judge Rivera explains, New York’s policy of indefinite detention may not withstand even rational-basis review. *Johnson*, 36 N. Y. 3d, at 218–221, 163 N. E. 3d, at 1063–1065. No one doubts that New York’s goal of preventing sexual violence toward children is legitimate and compelling, but New York nonetheless must advance that objective through rational means. Courts, law enforcement agencies, and scholars all have acknowledged that residency restrictions do not reduce recidivism and may actually increase the risk of reoffending. For example, in striking down retroactive application of Michigan’s residency restriction, the Sixth Circuit found no evidence that “residential restrictions have any beneficial effect on recidivism rates.” *Does #1–5 v. Snyder*, 834 F. 3d 696, 705 (2016). The Superior Court of New Jersey, Appellate Division, struck down local ordinances establishing residential restrictions, concluding that they were pre-empted by state law. See *G. H. v. Galloway*, 401 N. J. Super. 392, 951 A. 2d 221 (2008), *aff’d*, 199 N. J. 135, 971 A. 2d 401 (2009). The court explained that the local ordinances “make it difficult for a [convicted sex offender] to find stable housing, which can cause loss of employment and financial distress, factors

Statement of SOTOMAYOR, J.

which inadvertently increase the chance of reoffense.” 401 N. J. Super., at 417, 951 A. 2d, at 236.

Law enforcement agencies also recognize that residency restrictions are often counterproductive. The Department of Justice acknowledges that there is “no empirical support for the effectiveness of residence restrictions” such as New York’s. Office of Justice Programs, Sex Offender Management Assessment and Planning Initiative 205 (2017). In fact, the Department notes, residency restrictions may cause “a number of negative unintended consequences” that “aggravate rather than mitigate offender risk.” *Ibid.* An empirical study of recidivism conducted by the Minnesota Department of Corrections confirmed that “none of the 224 sex offenses would likely ha[ve] been deterred by a residency restriction law.” G. Duwe, Residency Restrictions and Sex Offender Recidivism: Implications for Public Safety, 2 Geography & Pub. Safety 6, 7 (May 2009). Like the Department of Justice, the Minnesota Department of Corrections concluded that “[b]y making it more difficult for sex offenders to find suitable housing and successfully reintegrate into the community, residency restrictions may actually compromise public safety by fostering conditions that increase offenders’ risk of reoffending.” *Id.*, at 8.

A large body of scholarship also cautions against residency restrictions as a means of reducing recidivism. Criminologists considering data from Missouri and Michigan concluded that residency restrictions have little or no effect on recidivism. B. Huebner et al., The Effect and Implications of Sex Offender Residence Restrictions: Evidence From a Two-State Evaluation, 13 C. & Pub. Pol’y 139, 156 (2016). A similar study of recidivism rates in Florida reached the same conclusion. P. Zandbergen, J. Levenson, & T. Hart, Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism, 37 Crim. Justice & Behavior 482, 498 (2010) (“The results of this study indicate no empirical association between where a

Statement of SOTOMAYOR, J.

sex offender lives and whether he reoffends sexually against a minor”). Other scholars have explained that by banishing returning individuals to the margins of society, residency restrictions may lead to homelessness, unemployment, isolation, and other conditions associated with an increased risk of recidivism. See generally A. Frankel, *Pushed Out and Locked In: The Catch-22 for New York’s Disabled, Homeless Sex-Offender Registrants*, 129 *Yale L. J. Forum* 279 (2019).

Despite the empirical evidence, legislatures and agencies are often not receptive to the plight of people convicted of sex offenses and their struggles in returning to their communities. Nevertheless, the Constitution protects all people, and it prohibits the deprivation of liberty based solely on speculation and fear.

When the political branches fall short in protecting these guarantees, the courts must step in. Indeed, although a clear split has yet to develop among Federal Courts of Appeals or state courts of last resort, a growing number of courts have confronted issues caused by the extended imprisonment of people convicted of sex offenses. In Illinois, for instance, a Federal District Court enjoined the State from jailing people convicted of sex offenses “indefinitely because they are unable to find a residence due to indigence and lack of support.” *Murphy v. Raoul*, 380 F. Supp. 3d 731, 738, 766 (ND Ill. 2019). The Court of Appeals of North Carolina held under state law that North Carolina could not revoke a person’s probation simply because he could not find a residence that complied with the State’s residency restriction. *State v. Talbert*, 221 N. C. App. 650, 727 S. E. 2d 908 (2012). In Wisconsin, after litigation challenged the State’s policy of jailing people convicted of sex offenses past their mandatory release dates, Wisconsin voluntarily rescinded its policy requiring detention beyond the expiration of a sentence. See *Werner v. Wall*, 836 F. 3d 751, 757 (CA7 2016). Because of the grave importance of these issues and

Statement of SOTOMAYOR, J.

the frequency with which they arise, it seems only a matter of time until this Court will come to address the question presented in this case.

\* \* \*

New York should not wait for this Court to resolve the question whether a State can jail someone beyond their parole eligibility date, or even beyond their mandatory release date, solely because they cannot comply with a restrictive residency requirement. I hope that New York will choose to reevaluate its policy in a manner that gives due regard to the constitutional liberty interests of people like Ortiz.