Supreme Court Review

National Association of Women Judges
New Orleans, Louisiana
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October Term 2025

I. Civil rights

Louisiana v. Callais, 146 S.Ct. 1131 (2026). Race cannot be used as a predominant factor in districting even if needed to avoid liability under Section 2 of the Voting Rights Act. Drawing districts for partisan advantage is permissible, even if it will have a racially disparate impact.

Allen v. Milligan, 146 S.Ct. 1377 (2026). Preliminary injunction against use of Alabama's maps for redistricting would be stayed pending appeal, notwithstanding district court's finding of intentional race discrimination.

West Virginia v. B.P.J., 146 S.Ct. 2356 (2026). State laws prohibiting transgender girls and women from participating in sports that correspond to their gender identity do not violate Title IX of the Education Amendments of 1972 or the equal protection clause of the 14th Amendment.

Landor v. Louisiana Department of Corrections, 146 S.Ct. 1931 (2026). Individual government officials cannot be sued for violating the Religious Land Use and Institutionalized Persons Act.

II. First Amendment: speech

Chiles v. Salazar, 146 S.Ct. 1010 (2026). A law that censors certain conversations between counselors and their clients based on the viewpoints must meet strict scrutiny under the free speech clause of the First Amendment.

National Republican Senatorial Committee v. Federal Election Commission, 146 S.Ct. __ (June 30, 2026). Federal law that prevented political parties from coordinating their expenditures with individual candidates violates the First Amendment.

III. Fourth Amendment

Case v. Montana, 146 S.Ct. 500 (2026). Under the standard set in *Brigham City v. Stuart*, the Fourth Amendment allows police officers to enter a home without a warrant if they have an "objectively reasonable basis for believing" that someone inside needs emergency assistance; that standard was met here.

Chatrie v. U.S., 146 S.Ct. 2193 (2026). The execution of a geofence warrant is a search within the Fourth Amendment.

IV. Presidential power

A. Emergency docket

Noem v. Perdomo, 25A169 (September 8, 2025). Staying district court's preliminary injunction against ICE agents stopping individuals without reasonable suspicion.

Trump v. Illinois, 25A443 (December 23, 2025). The President can federalize a state's National Guard to protect federal activities only if the regular forces of the military cannot successfully do so and only if the military could be lawfully deployed under the Posse Comitatus Act.

B. Tariffs

Learning Resources v. Trump, 146 S.Ct. 628 (2026). The International Emergency Economic Powers Act does not authorize the president to impose tariffs.

C. Birthright citizenship

Trump v. Barbara, 146 S.Ct. 2438 (2026). Executive Order No. 14,160 which limits birthright citizenship violates the Fourteenth Amendment.

D. Removal power

Trump v. Slaughter, 146 S.Ct. 2283 (2026). The statutory removal protections for members of the Federal Trade Commission violate the separation of powers and *Humphrey's Executor v. United States* is overruled.

Trump v. Cook, 146 S.Ct. 2234 (2026). Lisa Cook, a Governor of the Federal Reserve Board, was entitled under the federal statute to notice and the opportunity to be heard before her firing for alleged mortgage fraud.

V. Second Amendment

United States v. Hemani, 146 S.Ct. 1677 (2026). 18 U.S.C. § 922(g)(3), the federal statute that prohibits the possession of firearms by a person who "is an unlawful user of or addicted to any controlled substance," violates the Second Amendment as applied to respondent who was a frequent user of marijuana.

Wolford v. Lopez, 146 S.Ct. 2032 (2026). The Hawaii law violates the Second Amendment in prohibiting handguns on private property open to the public unless the property owner affirmatively gives express permission to the handgun carrier.

October Term 2026

I. Environmental law

Suncorp Energy, Inc. v. County Commissioners of Boulder County, No. 25-170 (to be argued October 5, 2026). (1) Whether federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions on the global climate; and (2) whether this court has statutory and Article III jurisdiction to hear this case

II. Criminal procedure

Kian v. Florida, No. 6623 (not yet set for argument). Whether the petitioner was deprived of his right, under the Sixth and 14th Amendments, to a trial by a 12-person jury when the defendant is charged with a serious felony.

III. Guns

Viramontes v. Cook County, No. 25-238 (to be argued December 2, 2026). Whether the Second and 14th Amendments guarantee the right to possess AR-15 platform and similar semiautomatic rifles.

IV. Voting

Republican National Committee v. Mi Familia Vota, No. 25-1017 (to be argued December 8, 2026). (1) Whether the National Voter Registration Act or a federal consent decree prohibits Arizona from requiring voter-registration applicants to produce "satisfactory evidence" of U.S. citizenship when registering with a state registration form; and (2) whether the NVRA prohibits Arizona from implementing a program within 90 days of a federal election to cancel the registrations of voters who are not U.S. citizens.

V. Religion

St. Mary Catholic Parish v. Roy, No. 25-581 (to be argued November 3, 2026).
(1) Whether proving a lack of general applicability under Employment Division v. Smith requires showing unfettered discretion or categorical exemptions for identical secular conduct; (2) whether Carson v. Makin displaces the rule of Employment Division v. Smith only when the government explicitly excludes religious people and institutions.

Grand v. City of University Heights, No. 25-965 (to be argued December 9, 2026). Whether the First Amendment's established chilling-effect doctrine, under which a credible government threat that deters the exercise of fundamental rights constitutes a complete and independently actionable constitutional injury, is displaced by Williamson Cty. Planning v. Hamilton Bank's land-use finality requirement when a plaintiff alleges that government threats both before and after a Planning Commission meeting chilled religious exercise, worship, and assembly.

Missionaries of St. John the Baptist v. Frederic, No. 25-1131 (argument not yet scheduled) Whether a land-use regulation that prohibits a religious institution from building a religious structure on its own property constitutes a "substantial burden" on religious exercise under the Substantial Burden Provision of the Religious Land Use and Institutionalized Persons Act.

VI. Implied rights of action

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Nielsen v. Watanabe, No. 25-417 (to be argued November 9, 2026). Whether the U.S. Court of Appeals for the 9th Circuit erred here in recognizing a Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics cause of action.

Crowther v. Board of Regents of University of Georgia, No. 25-183 (to be argued November 30, 2026). Whether Title IX provides employees of federally funded educational institutions a private right of action to sue for sex discrimination in employment.

VII. Immigration

Rhoney v. Barboa de Cuna, No. 26-104 (argument not yet scheduled). Whether 8 U.S.C. 1225(b)(2)(A) mandates the detention pending removal proceedings of aliens who, like respondent, are present in the United States without having been admitted.

Department of Homeland Security v. D.V.D., No. 26-426 (argument not yet scheduled). (1) Whether the district court had jurisdiction over respondents' claims; (2) whether the district court had authority to enter class-wide declaratory relief and APA vacatur under 8 U.S.C. § 1252(f)(1); (3) whether the government's guidance on third-country removals is unlawful under 8 U.S.C. § 1231(b), the due process clause, or FARRA/CAT and its implementing regulations; and (4) such other questions that the government determines are appropriate for the proper disposition of the case.

VIII. LGTBQ rights

International Partners for Ethical Care v. Ferguson, No. 25-480 (to be argued December 7, 2026). Whether parents have standing to challenge a law or policy that deliberately displaces their decision-making role as to "gender transitions" of their children, and in so doing creates present and likely future impediments to their ability to parent their children as they deem best for them.

IX. Forfeitures

Jouppi v. Alaska, No. 25-246 (to be argued December 1, 2026). Whether, in determining whether a fine contravenes the excessive fines clause – which holds the amount of the fine "must bear some relationship to the gravity of the offense that it is designed to punish" – courts may consider the gravity of the underlying offense purely in the abstract or should consider the gravity of the specific defendant's wrongdoing.