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Moore v. United States, 555 U. S. ___ (2008) *(per curiam)*
R001; No. 07-10689; 10/14/08. In light of the District Court's comments indicating it lacked discretion to impose a sentence below that suggested by the United States Sentencing Guidelines for Moore's conviction of possessing crack cocaine with intent to distribute, the Eighth Circuit should have remanded the case for resentencing under Kimbrough v. United States, 552 U. S. ___, ___, in which this Court concluded that a sentencing judge may consider the disparity between the Guidelines' treatment of similar amounts of crack and powder cocaine.

Brunner v. Ohio Republican Party, 555 U. S. ___ (2008) (per curiam)
R002; No. 08A332; 10/17/08. Because respondent Ohio Republicans are not sufficiently likely to prevail on the question whether private litigants may bring an action to enforce §303 of the Help America Vote Act of 2002 to justify the District Court's issuance of a temporary restraining order directing petitioner Ohio Secretary of State to update Ohio's Statewide Voter Registration Database to comply with §303, this Court grants the secretary's application for a stay and vacates the TRO.

Winter v. Natural Resources Defense Council, Inc., 555 U. S. ___ (2008)
R003; No. 07-1239; 11/12/08. The preliminary injunction restricting the Navy's use of "mid-frequency active" sonar during training exercises is vacated to the extent challenged by the Navy, whose need to conduct realistic training with active sonar to respond to the threat posed by enemy submarines plainly outweighs plaintiff environmentalists' ecological, scientific, and recreational interests in marine mammals.

Bell v. Kelly, 555 U. S. ___ (2008) *(per curiam)*
R004; No. 07-1223; 11/17/08. Certiorari dismissed as improvidently granted.

Hedgpeth v. Pulido, 555 U. S. ___ (2008) *(per curiam)*
R005; No. 07-544; 12/2/08. This habeas case is remanded for a determination whether a flaw in the jury instructions at respondent's criminal trial "had substantial and injurious effect or influence in determining the jury's verdict," *Brecht v. Abrahamson*, 507 U. S. 619, 623.

Altria Group, Inc. v. Good, 555 U. S. ___ (2008)
R006; No. 07-562; 12/15/08. Neither the Federal Cigarette Labeling and Advertising Act's pre-emption provision nor the Federal Trade Commission's actions in this field pre-empt respondents' state-law fraud claim, which alleges that petitioners fraudulently advertised their "light" cigarettes as less harmful than regular cigarettes.

Jimenez v. Quarterman, 555 U. S. ___ (2009)
R007; No. 07-6984; 1/13/09. Where a state court grants a criminal defendant the right to file an out-of-time direct appeal during state collateral review, but before the defendant has first sought federal habeas relief, his judgment is not "final" for purposes of 38 U. S. C. §2244(d)(1)(A)—which sets a 1-year time limitation for a state prisoner to file a federal habeas petition—until the

conclusion of the out-of-time direct appeal, or the expiration of the time for seeking certiorari review of that appeal in this Court.

Chambers v. United States, 555 U. S. ___ (2009)
R008; No. 06-11206; 1/13/09. Illinois' crime of failure to report for penal confinement is not a "violent felony" for purposes of the Armed Career Criminal Act, 18 U. S. C. §924(e), which provides a 15-year mandatory minimum prison term for a defendant, convicted of possessing a firearm, who has three prior convictions "for a violent felony," defined as a crime that, inter alia, "involves conduct that presents a serious potential risk of physical injury to another," §924(e)(2)(b)(ii).

Herring v. United States, 555 U. S. ___ (2009)
R009; No. 07-513; 1/14/09. The exclusionary rule does not require suppression of evidence seized in violation of the Fourth Amendment where police mistakes leading to an unlawful search are the result of isolated negligence attenuated from the search rather than systemic error or disregard of constitutional requirements.

Oregon v. Ice, 555 U. S. ___ (2009)
R010; No. 07-901; 1/14/09. In light of historical practice and the States' authority over administration of their criminal justice systems, the Sixth Amendment's jury-trial guarantee, as construed in *Apprendi* v. *New Jersey*, 530 U. S. 466, and *Blakely* v. *Washington*, 542 U. S. 296, does not inhibit States from assigning to judges, rather than to juries, the finding of facts necessary to the imposition of consecutive, rather than concurrent, sentences for multiple offenses.

Waddington v. Sarausad, 555 U. S. ___ (2009)
R011; No. 07-772; 1/21/09. Because the Washington state court's decision rejecting Sarausad's argument that the accomplice-liability instructions given at his murder trial were ambiguous and likely misinterpreted by the jury "did not result in an "unreasonable application of . . . clearly established Federal law," 28 U. S. C. §2254(d)(1), the Ninth Circuit erred in granting Sarausad habeas relief.

Locke v. Karass, 555 U. S. ___ (2009)
R012; No. 07-610; 1/21/09. Under this Court's precedent, the First Amendment permits a local union to charge nonmembers for the litigation expenses of its national organization as long as (1) the subject matter of the (extra-local) litigation is of a kind that would be chargeable if the litigation were local, *e.g.,* litigation appropriately related to collective bargaining rather than political activities, and (2) the litigation charge is reciprocal in nature, *i.e.,* the contributing local reasonably expects other locals to contribute similarly to the national's resources used for costs of similar litigation on behalf of the contributing local if and when it takes place.

Pearson v. Callahan, 555 U. S. ___ (2009)

R013; No. 07-751; 1/21/09. The two-step procedure for resolving government officials' qualified immunity claims that was mandated by *Saucier* v. *Katz*, 533 U. S. 194, should no longer be regarded as an inflexible requirement; the lower federal courts should have the discretion to decide whether that procedure is worthwhile in particular cases.

Fitzgerald v. Barnstable School Comm., 555 U. S. ___ (2009)
R014; No. 07-1125; 1/21/09. Title IX of the Education Amendments of 1972 does not preclude an action under 42 U. S. C. §1983 alleging gender discrimination in schools in violation of the Equal Protection Clause.

Spears v. United States, 555 U. S. ___ (2009) (per curiam)
R015; No. 08-5721; 1/21/09. The Eighth Circuit order requiring petitioner's resentencing based on the District Court's categorical rejection of the United States Sentencing Guidelines' 100:1 crack-to-powder cocaine ratio and substitution of its own 20:1 ratio conflicts with *Kimbrough* v. *United States*, 552 U. S. ___ (2007), which recognized district courts' authority to vary from the crack Guidelines based solely on a policy disagreement with them, and not simply on an individualized determination that they yield an excessive sentence in a particular case.

Crawford v. Metropolitan Government of Nashville and Davidson Cty., 555 U. S. ___ (2009)
R016; No. 06-1595; 1/26/09. The protection of 42 U. S. C. §2000e–3(a), the antiretaliation provision of Title VII of the Civil Rights Act of 1964, extends to an employee who speaks out about discrimination not on her own initiative, but in answering questions during an employer's internal investigation.

Kennedy v. Plan Administrator for DuPont Sav. and Investment Plan, 555 U. S. ___ (2009)
R017; No. 07-636; 1/26/09. Although the decedent's ex-wife's waiver of her interest in his pension plan was not an assignment or alienation nullified by 29 U. S. C. §1056(d)(1), the plan administrator did its duty under the Employee Retirement Income Security Act of 1974 by paying the benefits to her in conformity with the plan documents.

United States v. Eurodif S. A., 555 U. S. ___ (2009)
R018; No. 07-1059; 01/26/09. Where a domestic buyer's cash and an untracked, fungible commodity are exchanged with a foreign contractor for a substantially transformed version of the same commodity, the Commerce Department may reasonably treat the transaction as the sale of a good rather than a service for purposes of the Tariff Act of 1930, which calls for "antidumping" duties on "foreign merchandise" sold in this country at "less than its fair value," 19 U. S. C. §1673, but does not touch international sales of services.

Arizona v. Johnson, 555 U. S. ___ (2009)
R019; No. 07-1122; 1/26/09. A police officer's frisk of respondent during a traffic stop did not violate the Fourth Amendment's prohibition on unreasonable searches and seizures.

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Van de Kamp v. Goldstein, 555 U. S. ___ (2009)
R020; No. 07-854; 1/26/09. Petitioners, supervisory prosecutors, are entitled to absolute immunity from 42 U. S. C. §1983 liability in respect to respondent's claims that the prosecution failed to disclose impeachment material to the defense because petitioners' supervision, training, or information-system management was constitutionally inadequate.

Nelson v. United States, 555 U. S. ___ (2009) (per curiam)
R021; No. 08-5657; 1/26/09. The Fourth Circuit erred in upholding petitioner's federal sentence where the District Court impermissibly applied a presumption of reasonableness to the applicable Sentencing Guidelines range in violation of this Court's cases.

Ysursa v. Pocatello Ed. Assn., 555 U. S. ___ (2009)
R022; No. 07-869; 2/24/09. The Idaho Right to Work Act's ban on payroll deductions for union political activities, as applied to local governmental units, does not infringe unions' First Amendment rights.

Carcieri v. Salazar, 555 U. S. ___ (2009)
R023; No. 07-526; 2/24/09. Because the term "now under federal jurisdiction" in 25 U. S. C. §479 unambiguously refers to those tribes that were under federal jurisdiction when the Indian Reorganization Act was enacted in 1934, and because the Narragansett Tribe was not then under such jurisdiction, the Secretary of the Interior does not have the authority to take a 31-acre parcel of tribal land into trust "for the purpose of providing land for Indians," §465.

United States v. Hayes, 555 U. S. ___ (2009)
R024; No. 07-608; 2/24/09. A domestic relationship—although it must be established beyond a reasonable doubt in a prosecution for possession of a firearm by a person convicted of "a misdemeanor crime of domestic violence," 18 U. S. C. §922(g)(9)—need not be a defining element of the predicate misdemeanor offense.

Pacific Bell Telephone Co. v. linkLine Communications, Inc., 555 U. S. ___ (2009)
R025; No. 07-512; 2/25/09. A price-squeeze claim—here, that petitioners had squeezed respondents' profit margin by setting a high price for wholesale "DSL" transport service petitioners sell and a low retail price for petitioners' own DSL service—may not be brought under Sherman Act §2 when the defendant has no antitrust duty to deal with the plaintiff at wholesale.

Pleasant Grove City v. Summum, 555 U. S. ___ (2009)
R026; No. 07-665; 2/25/09. The placement of a permanent monument in a public park is a form of government speech and is therefore not subject to scrutiny under the First Amendment's Free Speech Clause.

Summers v. Earth Island Institute, 555 U. S. ___ (2009)

R027; No. 07-463; 3/3/09. Respondent environmentalist groups lack standing to challenge Forest Service regulations absent a live dispute over a concrete application of those regulations.

Negusie v. Holder, 555 U. S. ___ (2009)
R028; No. 07-499; 3/3/09. The Board of Immigration Appeals and the Fifth Circuit misapplied Fedorenko v. United States, 449 U. S. 490, as mandating that whether an alien is compelled to assist in persecution is immaterial for purposes of the "persecutor bar" set forth in the Immigration and Nationality Act, which prohibits an alien from obtaining refugee status in this country if he "assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 U. S. C. §1101(a)(42). The BIA must interpret the statute, free from this mistaken legal premise, in the first instance.

Wyeth v. Levine, 555 U. S. ___ (2009)
R029; No. 06-1249; 3/4/09. Federal law does not pre-empt Levine's state-law tort claim that the drug Phenergan's label did not contain an adequate warning about the dangers of using the "IV-push" method of administering that drug.

Bartlett v. Strickland, 556 U. S. 1 (2009)
R030; No. 07-689; 3/9/09. The North Carolina Supreme Court's holding that a minority group must constitute a numerical majority of the voting-age population in an area before §2 of the Voting Rights Act of 1965 requires the creation of a legislative district to prevent dilution of that group's votes is affirmed.

Vaden v. Discover Bank, 556 U. S. ___ (2009)
R031; No. 07-773; 3/9/09. A federal court may "look through" a petition to compel arbitration filed under Federal Arbitration Act §4 to determine whether it is predicated on a controversy that "arises under" federal law; in keeping with the well-pleaded complaint rule, however, a federal court may not entertain a §4 petition based on the contents of a counterclaim when the whole controversy between the parties does not qualify for federal-court adjudication.

Vermont v. Brillon, 556 U. S. ___ (2009)
R032; No. 08-88; 3/9/09. In applying the *Barker* v. *Wingo*, 407 U. S. 514, 530, balancing test, which weighs the prosecution's conduct against the defense's in resolving speedy trial issues, the Vermont Supreme Court erred in ranking assigned counsel essentially as state actors, attributing the delays they caused to the State rather than to the defendant they represented.

Kansas v. Colorado, 556 U. S. ___ (2009)
R033; No. 105-Orig.; 3/9/09. Expert witness attendance fees that are available in cases brought under this Court's original jurisdiction shall be the same as the expert witness attendance fees that would be available in a district court under 28 U. S. C. §1821(b).

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Knowles v. Mirzayance, 556 U. S. ___ (2009)
R034; No. 07-1315; 3/24/09. Whether the California Court of Appeal's decision rejecting respondent's ineffective-assistance-of-counsel claim is reviewed under 28 U. S. C. §2254(d)(1) or de novo, Mirzayance has failed to establish that his counsel's performance was ineffective.

Puckett v. United States, 556 U. S. ___ (2009)
R035; No. 07-9712; 3/25/09. Federal Rule of Criminal Procedure 52(b)'s plain-error test applies to a forfeited claim, like Puckett's, that the Government failed to meet its obligations under a plea agreement, and applies in the usual fashion.

Rivera v. Illinois, 556 U. S. ___ (2009)
R036; No. 07-9995; 3/31/09. Provided that all jurors seated in a criminal case are qualified and unbiased, the Due Process Clause does not require automatic reversal of a conviction because of the trial court's good-faith error in denying the defendant's peremptory challenge to a juror.

Hawaii v. Office of Hawaiian Affairs, 556 U. S. ___ (2009)
R037; No. 07-1372; 3/31/09. Congress did not strip Hawaii of its authority to alienate its sovereign territory by passing a joint resolution to "apologize" for the role the United States played in overthrowing the Hawaiian monarchy in 1893.

Philip Morris USA Inc. v. Williams, 556 U. S. ___ (2009)
R038; No. 07-1216; 3/31/09. Certiorari dismissed as improvidently granted.

Harbison v. Bell, 556 U. S. ___ (2009)
R039; No. 07-8521; 4/1/09. Title 18 U. S. C. §3599 authorizes counsel appointed to represent state petitioners in 28 U. S. C. §2254 habeas proceedings to represent their clients in subsequent state clemency proceedings and entitles them to compensation for that representation.

Entergy Corp. v. Riverkeeper, Inc., 556 U. S. ___ (2009)
R040; No. 07-588; 4/1/09. The Environmental Protection Agency permissibly relied on cost-benefit analysis in setting national performance standards for existing powerplants' cooling water intake structures and in providing for cost-benefit variances from those standards.

14 Penn Plaza LLC v. Pyett, 556 U. S. ___ (2009)
R041; No. 07-581; 4/1/09. A provision in a collective-bargaining agreement that clearly and unmistakably requires union members to arbitrate claims under the Age Discrimination in Employment Act of 1967 is enforceable as a matter of federal law.

United States v. Navajo Nation, 556 U. S. ___ (2009)
R042; No. 07-1410; 4/6/09. Respondent Tribe's 15-year-old suit against the Government—which alleges that the Interior Secretary breached his fiduciary duty to the Tribe in connection with his 1987 approval of amendments to a coal lease the Tribe executed in 1964—fails because none of

the laws the Tribe relies on provides any more sound a basis for the suit than those rejected in *United States* v. *Navajo Nation*, 537 U. S. 488.

Corley v. United States, 556 U. S. ___ (2009)
R043; No. 07-10441; 4/6/09. Title 18 U. S. C. §3501 modified, but did not supplant, the rule of *McNabb* v. *United States*, 318 U. S. 332, and *Mallory* v. *United States*, 354 U. S. 449, which makes an arrested person's confession inadmissible if given after an unreasonable delay in bringing him before a judge.

Arizona v. Gant, 556 U. S. ___ (2009)
R044; No. 07-542; 4/21/09. Under the Fourth Amendment, police may search the passenger compartment of a vehicle incident to a recent occupant's arrest only if it is reasonable to believe that the arrestee might access the vehicle at the time of the search or that the vehicle contains evidence of the offense of arrest.

Ministry of Defense and Support for Armed Forces of Islamic Republic of Iran v. Elahi, 556 U. S. ___ (2009)
R045; No. 07-615; 4/21/09. At the time of the Ninth Circuit's decision in this case, a judgment held by Iran was not an asset "blocked" by the United States that could be attached by respondent under the Terrorism Risk Insurance Act of 2002; even if Iran's judgment is presently "blocked," respondent cannot attach it because he has waived his right to do so under the Victims of Trafficking and Violence Protection Act of 2000.

Shinseki v. Sanders, 556 U. S. ___ (2009)
R046; No. 07-1209; 4/21/09. The Federal Circuit's framework for determining the harmlessness of errors by the Department of Veterans Affairs in notifying a veteran of information or evidence necessary to substantiate his disability claim conflicts with 38 U. S. C. §7261(b)(2)'s requirement that the Veterans Court take "due account of the rule of prejudicial error."

Nken v. Holder, 556 U. S. ___ (2009)
R047; No. 08-681; 4/22/09. Traditional stay factors, rather than the demanding standard set forth in 8 U. S. C. §1252(f)(2) for the issuance of injunctions, govern a court of appeals' authority to stay an alien's removal from this country pending the court's review of the removal order.

Cone v. Bell, 556 U. S. ___ (2009)
R048; No. 07-1114; 4/28/09. The Tennessee courts' procedural rejection of Cone's claim of unlawful suppression of evidence under *Brady* v. *Maryland,* 373 U. S. 83, does not bar federal habeas review of the claim's merits; although the suppressed evidence was not material to Cone's first-degree murder conviction, the lower federal courts erred in failing to assess the cumulative effect of that evidence with respect to Cone's capital sentence.

FCC v. Fox Television Stations, Inc., 556 U. S. ___ (2009)

R049; No. 07-582; 4/28/09. The FCC's revised policy finding that the federal ban on broadcasting "any . . . indecent language," 18 U. S. C. §1464, sometimes applies to indecent expletives even when the offensive words are not repeated is neither "arbitrary" nor "capricious" within the meaning of the Administrative Procedure Act, 5 U. S. C. §706(2)(A).

Dean v. United States, 556 U. S. ___ (2009)
R050; No. 08-5274; 4/29/09. Title 18 U. S. C. §924(c)(1)(A)(iii), which mandates a 10-year mandatory minimum sentence "if [a] firearm is discharged" in the course of a violent or drug trafficking crime, requires no separate proof of intent, applying whether the gun is discharged on purpose or by accident.

Kansas v. Ventris, 556 U. S. ___ (2009)
R051; No. 07-1356; 4/29/09. Respondent's incriminating statement to an informant planted in his jail cell, concededly elicited in violation of the Sixth Amendment, was admissible to impeach his inconsistent testimony at trial.

Burlington N. & S. F. R. Co. v. United States, 556 U. S. ___ (2009)
R052; No. 07-1601; 5/4/09. Under the Comprehensive Environmental Response, Compensation, and Liability Act, petitioner Shell Oil Company is not liable for the contamination at an agricultural chemical distribution facility, and the District Court reasonably apportioned petitioner railroads' share of the site's remediation costs at 9%.

Arthur Andersen LLP v. Carlisle, 556 U. S. ___ (2009)
R053; No. 08-146; 5/4/09. The Sixth Circuit had jurisdiction to review the denial of petitioners' request for a stay under §3 of the Federal Arbitration Act; a litigant who was not a party to the arbitration agreement may invoke §3 if the relevant state contract law allows him to enforce the agreement.

Carlsbad Technology, Inc. v. HIF Bio, Inc., 556 U. S. ___ (2009)
R054; No. 07-1437; 5/4/09. A federal district court's order remanding a case to state court after declining to exercise supplemental jurisdiction over state-law claims is not a remand for lack of subject-matter jurisdiction for which appellate review is barred by 28 U. S. C. §§1447(c) and (d).

Flores-Figueroa v. United States, 556 U. S. ___ (2009)
R055; No. 08-108; 5/4/09. Title 18 U. S. C. §1028(a)(1)— which imposes a mandatory consecutive 2-year prison term on an individual convicted of certain predicate crimes if, during (or in relation to) the commission of those other crimes, the offender "knowingly . . . uses, without lawful authority, a means of identification of another person"—requires the Government to show that the defendant knew that the means of identification at issue belonged to someone else.

Ashcroft v. Iqbal, 556 U. S. ___ (2009)

R056; No. 07-1015; 5/18/09. Respondent 9/11 detainee's complaint alleging that petitioner federal officials subjected him to harsh confinement conditions as a matter of policy on account of his religion, race, and/or national origin fails to plead sufficient facts to satisfy the requirements of Federal Rule of Civil Procedure 8, as interpreted in *Bell Atlantic Corp.* v. *Twombly*, 550 U. S. 544.

AT&T Corp. v. Hulteen, 556 U. S. ___ (2009)
R057; No. 07-543; 5/18/09. An employer does not necessarily violate the Pregnancy Discrimination Act when it pays pension benefits calculated in part under an accrual rule, applied only prior to the PDA, that gave less retirement credit for pregnancy leave than for medical leave generally; because AT&T's pension payments accord with a bona fide seniority system's terms, they are insulated from challenge under §703(h) of Title VII of the Civil Rights Act of 1964.

Haywood v. Drown, 556 U. S. ___ (2009)
R058; No. 07-10374; 5/26/09. As applied to 42 U. S. C. §1983 claims, a New York law that divests the State's general jurisdiction courts of their jurisdiction to hear damages suits filed by prisoners against state correction officers violates the Supremacy Clause.

Montejo v. Louisiana, 556 U. S. ___ (2009)
R059; No. 07-1529; 5/26/09. *Michigan* v. *Jackson*, 475 U. S. 625, which forbid police to initiate interrogation of a criminal defendant once he invoked his Sixth Amendment right to counsel at an arraignment or similar proceeding, should be and now is overruled.

Abuelhawa v. United States, 556 U. S. ___ (2009)
R060; No. 08-192; 5/26/09. Using a telephone to make a misdemeanor drug purchase does not "facilitat[e]" felony drug distribution in violation of 21 U. S. C. §843(b), which prohibits "us[ing] any communication facility in . . . facilitating" certain drug felonies.

Bobby v. Bies, 556 U. S. ___ (2009)
R061; No. 08-598; 6/1/09. The Double Jeopardy Clause does not bar the Ohio courts from conducting a full hearing on whether Bies qualifies as a mentally retarded offender who cannot be executed under *Atkins* v. *Virginia*, 536 U. S. 304, because of their earlier determination, under the pre-*Atkins* standard, that his mental retardation qualified as a mitigating factor.

CSX Transp., Inc. v. Hensley, 556 U. S. ___ (2009) (per curiam)
R062; No. 08-1034; 6/1/09. In affirming the trial court's refusal to give fear-of-cancer jury instructions in this Federal Employers' Liability Act suit alleging that petitioner railroad had negligently caused respondent employee to contract asbestosis at work, the Tennessee Court of Appeals misread and misapplied *Norfolk & Western R. Co.* v. *Ayers*, 538 U. S. 135.

Republic of Iraq v. Beaty, 556 U. S. __ (2009)

R063; No. 07-1090; 6/8/09. Iraq is no longer subject to suit in federal court pursuant to the terrorism exception to foreign sovereign immunity, now repealed, that had been codified at 28 U. S. C. §1605(a)(7).

Caperton v. A. T. Massey Coal Co., 556 U. S. ___ (2009)
R064; No. 08-22; 6/8/09. In a case in which the West Virginia Supreme Court of Appeals reversed a $50 million verdict, due process required recusal of a justice who had received campaign contributions in an extraordinary amount from the board chairman and principal officer of the corporation found liable for the damages.

United States v. Denedo, 556 U. S. ___ (2009)
R065; No. 08-267; 6/8/09. Article I military courts have jurisdiction to entertain *coram nobis* petitions to consider allegations that an earlier judgment of conviction was flawed in a fundamental respect.

United States ex rel. Eisenstein v. City of New York, 556 U. S. ___ (2009)
R066; No. 08-660; 6/8/09. Because the United States declined to intervene in this privately initiated False Claims Act action, it was not a "party" to the litigation for purposes of either 28 U. S. C. §2107 or Federal Rule of Appellate Procedure 4; therefore, petitioner's notice of appeal was untimely, as it should have been filed within the Rule's 30-day period, not the extended 60-day period when the United States is a party.

Boyle v. United States, 556 U. S. ___ (2009)
R067; No. 07-1309; 6/08/09. An association-in-fact "enterprise" under the Racketeer Influenced and Corrupt Organizations Act must have a "structure," but the pertinent jury instruction need not be framed in the precise language petitioner proposes, *i.e.*, as having "an ascertainable structure beyond that inherent in the pattern of racketeering activity in which it engages."

Indiana State Police Pension Trust v. Chrysler LLC, 556 U. S., 556 U. S. ___ (2009)
R068; No. 08A1096; 6/9/09. Applications for stay of Chrysler sale denied, and temporary stay vacated.

Polar Tankers, Inc. v. City of Valdez, 557 U. S. ___ (2009)
R069; No. 08-310; 6/15/09. Valdez's personal property tax on the value of large ships that travel to and from the city violates the Tonnage Clause.

Nijhawan v. Holder, 557 U. S. ___ (2009)
R070; No. 08-495; 6/15/09. Under immigration provisions stating that an alien "convicted of an aggravated felony . . . is deportable," 8 U. S. C. §1227(a)(2)(A)(iii), and defining an "aggravated felony" to include "an offense that . . . involves fraud or deceit in which the loss to the . . . victims exceeds $10,000," §1101(a)(43)(M)(i), the $10,000 threshold refers to the particular

circumstances in which an offender committed the fraud or deceit crime on a particular occasion rather than to an element of that crime.

District Attorney's Office for Third Judicial Dist. v. Osborne, 557 U. S. ___ (2009)
R071; No. 08-6; 6/18/09. Assuming Osborne's claims can be pursued in federal court under 42 U. S. C. §1983, he has no federal due process right to obtain postconviction access to the evidence Alaska used to convict him in an earlier state trial in order to apply DNA testing.

Yeager v. United States, 557 U. S. ___ (2009)
R072; No. 08-67; 6/18/09. An apparent inconsistency between a jury's verdict of acquittal on some counts and its failure to return a verdict on other counts does not affect the acquittals' preclusive force under the Double Jeopardy Clause.

Travelers Indemnity Co. v. Bailey, 557 U. S. ___ (2009)
R073; No. 08-295; 6/18/09. The terms of the Bankruptcy Court's 1986 orders in the bankruptcy of Johns-Manville Corp., an asbestos-industry giant, which enjoined certain lawsuits against Manville's insurers, bar subsequent direct actions against those insurers; and the finality of the 1986 orders generally stands in the way of challenging the injunction's enforceability.

Gross v. FBL Financial Services, Inc., 557 U. S. ___ (2009)
R074; No. 08-441; 6/18/09. When bringing a disparate-treatment claim under the Age Discrimination in Employment Act of 1967, a plaintiff must prove, by a preponderance of the evidence, that age was the "but-for" cause of the challenged adverse employment action; the burden of persuasion does not shift to the employer to show that it would have taken the action regardless of age, even when a plaintiff has produced some evidence that age was one motivating factor in that decision.

Northwest Austin Municipal Util. Dist. No. One v. Holder, 557 U. S. ___ (2009)
R075; No. 08-322; 6/22/09. The Voting Rights Act of 1965 permits all political subdivisions, including appellant utility district, to seek to bail out from the federal preclearance requirements set forth in §5 of the Act; in light of its statutory holding, the Court need not resolve whether §5 is constitutional.

Forest Grove School Dist. v. T. A., 557 U. S. ___ (2009)
R076; No. 08-305; 6/22/09. The Individuals with Disabilities Education Act authorizes reimbursement for private special-education services when a public school fails to provide a "free appropriate public education," 20 U. S. C. §1412(a)(1)(A), for a child with disabilities and the child's private-school placement is appropriate, regardless of whether the child "previously received special education or related services under the [public school's] authority," §1412(a)(10)(C)(ii).

Coeur Alaska, Inc. v. Southeast Alaska Conservation Council, 557 U. S. ___ (2009)

R077; No. 07-984; 6/22/09. The Army Corps of Engineers, not the Environmental Protection Agency, had authority under the Clean Water Act to issue a permit to petitioner Coeur Alaska, Inc., to pump mine slurry into an Alaskan lake; the Corps acted in accordance with law in issuing such a permit to Coeur Alaska.

Melendez-Diaz v. Massachusetts, 557 U. S. ___ (2009)
R078; No. 07-591; 6/25/09. The admission of laboratory certificates showing the results of forensic tests on a substance identified as cocaine, without testimony by the laboratory analysts who signed the certificates, violated petitioner's Sixth Amendment right to confront the witnesses against him.

Safford Unified School Dist. #1 v. Redding, 557 U. S. ___ (2009)
R079; No. 08-479; 6/25/09. Because there were no reasons to believe that the drugs that Savana Redding was suspected of having presented a danger or were concealed in her underwear, the search of her underwear violated the Fourth Amendment; but because there is reason to question the clarity with which Savana's Fourth Amendment right was established, the officials who ordered and carried out the search are entitled to qualified immunity from liability.

Atlantic Sounding Co. v. Townsend, 557 U. S. ___ (2009)
R080; No. 08-214; 6/25/09. Because punitive damages have long been an accepted remedy under general maritime law, and because neither *Miles* v. *Apex Marine Corp.,* 498 U. S. 19, nor the Jones Act altered this understanding, punitive damages for the willful and wanton disregard of the maintenance and cure obligation remain available as a matter of general maritime law.

Horne v. Flores, 557 U. S. ___ (2009)
R081; No. 08-289; 6/25/09. The lower courts did not engage in the proper analysis of petitioners' Federal Rule of Civil Procedure 60(b)(5) motion for relief from a judgment, entered in 2000, that Arizona had violated the federal Equal Educational Opportunities Act of 1974 by inadequately funding the Nogales Unified School District's program for English Language-Learner students.

Cuomo v. Clearing House Assn., L. L. C., 557 U. S. ___ (2009)
R082; No. 08-453; 6/29/09. A regulation promulgated by the Office of the Comptroller of the Currency purporting to pre-empt state law enforcement is not a reasonable interpretation of the National Bank Act.

Ricci v. DeStefano, 557 U. S. ___ (2009)
R083; No. 07-1428; 6/29/09. Under Title VII of the Civil Rights Act of 1964, before an employer can engage in intentional discrimination for the asserted purpose of avoiding or remedying an unintentional, disparate impact on particular employees, the employer must have a strong basis in evidence to believe it will be subject to disparate-impact liability if it fails to take

the race-conscious, discriminatory action; New Haven's City's race-based rejection of firefighter promotion test results cannot satisfy the strong-basis-in-evidence standard.