Syllabus for U.S. Supreme Court Review: Key Decisions of 2025-26 Term, and Quick Review of Prior Term and Upcoming Term

U.S. District Court for the District of Puerto Rico Continuing Legal Education Program: 2.5 Instruction Hours

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I. Major Themes of Present Term

- Testing the most aggressive assertion of executive power domestically in the modern era—tariffs, agency firings, birthright citizenship, troops in American cities, and more.
- Reshaping key features of American democracy—the fate of minority-majority voting districts under the Voting Rights Act; more challenges to limits on private money in political campaigns; a tsunami of political gerrymandering unleashed.
- Assessing the exclusion of transgender males in women's sports; the constitutionality of regulating transgender counseling.
- The continued construction of modern Second Amendment rights—defining gun rights for drug users and the right to carry on private property.
- Fireworks on the shadow docket—heated disagreements between the justices on the use of emergency rulings to address disputes and shape the law.

II. Major Civil Cases

Presidential Power

LEARNING RESOURCES, INC. v. TRUMP (Imposition of Tariffs) (6-3) (Opinion by C.J. Roberts)

Key facts: Beginning in early 2025, in a series of executive orders President Trump imposed a series of tariffs on foreign countries under the International Emergency Economic Powers Act ("IEEPA"). He invoked IEEPA's provisions permitting the president to take specified actions to address declared national emergencies—here with respect to the influx of illegal drugs and persistent trade deficits.

Question presented: Did the president have power to impose tariffs to "regulate" the "importation" of goods under IIEPA to address such emergencies?

Held: No.

Lead opinion (Roberts/Gorsuch/Barrett): Under the Major Questions Doctrine (MQD), even though general statutory language might plausibly be read to confer authority to take certain executive action, if there is reason to be skeptical Congress was conferring authority to regulate on a matter of "vast economic and political significance," then the executive must identify clear and specific textual authority to undergird the challenged action. Here, although it's plausible

IIEPA's text might be read to permit the imposition of tariffs as a matter of regulating imported goods, there is reason to be skeptical the claimed authority was granted. First, Congress normally does not delegate its core powers of taxation without specifically saying so, and second, such a reading—to permit sweeping impositions of worldwide tariffs—would effect a historic transfer of power to the executive branch. Hence, the president must point to clear language in IIEPA authorizing the tariffs, which he cannot do.

Concurrence in part (Kagan/Sotomayor/Jackson): We agree that IIEPA does not authorize the challenged tariffs, but do so as a matter of ordinary statutory interpretation principles rather than a new-fangled and illegitimate MQD [Ed. note: which the liberal justices had earlier accused the conservative justices of having recently invented in order to strike down major Biden Administration policies such as student loan forgiveness and caps on fossil fuel emissions].

Lead dissent (Kavanaugh/Thomas/Alito): If IEEPA permits the president to impose quotas and embargoes to regulate importation, it makes sense that he can also take the less drastic step imposing tariffs as a means of regulation. Hence, the clear authorization required by the MQD is present here, and even if it weren't that canon of interpretation should not be applied in the area of foreign affairs where the president enjoys a greater latitude of action.

- ***Trump v. Slaughter*** (pending—argued Dec. 8, 2025): the fate of independent regulatory agencies: must the president have power to remove the heads of most agencies at will?
- ***Trump v. Cook*** (pending—argued Jan. 21, 2026): what are "for cause" grounds that would permit the President to remove a member of the Federal Reserve Board.
- ***Trump v. Barbara*** (pending—argued April 1, 2026): may the President, by executive order, deny citizenship to babies born in the U.S. to undocumented parents or temporary-visa holders?

Democracy

LOUISIANA v. CALLAIS (Equal Protection; Voting Rights Act) (6-3) (Opinion by Alito)

Key facts: Section 2 of the Voting Rights Act prohibits states from imposing voting practices that, either intentionally or in effect, discriminate on the basis of race. After Louisiana redrew its congressional districts following the 2020 census, a federal court found the new map likely violated § 2 because, with only one majority-Black district out of six, it had the effect of diluting Black voting strength. The legislature responded by enacting SB8, which added a second majority-Black district. A different set of plaintiffs—challengers opposed to race-based redistricting—then challenged SB8 as an unconstitutional racial gerrymander, arguing the State had improperly subordinated traditional redistricting criteria to hit a racial target.

Question presented: Did Louisiana's intentional creation of a second majority-minority district in SB8 violate the Fourteenth or Fifteenth Amendments—and, more fundamentally, can compliance with the Voting Rights Act supply the compelling interest needed to justify the deliberate use of race in drawing districts?

Held: SB8 is an unconstitutional racial gerrymander; compliance with the VRA did not require it, and so no compelling interest justified the State's use of race.

Majority: When a State deliberately sorts voters by race to draw a district, it triggers strict scrutiny and must show the race-based line serves a compelling interest—which, the Court held, means remediating specific, identified instances of past discrimination that themselves violated the Constitution or a statute. For over thirty years the Court had merely *assumed* without deciding that complying with the VRA could be such an interest; here it finally confronted the question and declined to let § 2 force States into the very race-based districting the Equal Protection Clause forbids.

Dissent (Kagan/Sotomayor/Jackson): This is the "latest chapter" in the majority's now-complete demolition of the Voting Rights Act. By exploiting the link between racial identity and party preference, together with the free rein States enjoy to gerrymander along partisan lines, the decision lets a State systematically dilute minority voting power with no legal consequence. The result, "renders Section 2 all but a dead letter" in precisely the places—those still marked by residential segregation and racially polarized voting—where it was meant to matter most.

***Two Emergency Docket Postscripts to Callais*:**

1. Shortly after the decision the Court granted an application to expedite its judgment, allowing Louisiana to immediately pause its ongoing primary elections and draw a new map. This ruling sparked a sharp debate between Justice Jackson, who objected that principles were giving "way to power," while Justice Alito retorted that such a charge was "groundless and utterly irresponsible."

2. In a similar Alabama dispute, the Court had earlier forced the State to redraw a map that diluted Black voters' strength in violation of the Voting Rights Act. But after *Callais* raised the bar for such claims, in a June 2nd order it let Alabama use a later map that a lower court had likewise struck down, holding the lower court failed to accurately apply *Callais*'s more stringent standards for proving a Voting Rights Act violation. In an angry dissent, the three liberal justices argued that the lower court had found on a clear record that Alabama deliberately set out to weaken Black voters, and by letting the State use that map the majority was rewarding Alabama for defying the law.

- ***NRSC v. FEC*** (pending—argued Dec. 9, 2025): whether caps on party committee spending coordinated with candidates violate the First Amendment.

Gun Rights

- ***Wolford v. Lopez*** (pending—argued Jan. 20, 2026): may a state require concealed-carry permit holders to get the owner's permission before bringing a gun onto private property open to the public?

U.S. v. HEMANI (Second Amendment) (7-2-0) (Opinion by Gorsuch)

Key facts: Hemani's home in the Dallas area was searched by federal agents due to a suspicion of terrorism-related activity. Among other things, the agents recovered a handgun and marijuana. Hemani admitted to using marijuana a few times a week. He was indicted for violating the provisions of 18 U.S.C. 922(g)(3) which prohibit an unlawful user of a controlled substance from possessing a gun. The lower courts dismissed the indictment, ruling that it violated Hemani's Second Amendment rights.

Question presented: Did the application of 922(g)(3) as applied to Hemani violate his Second Amendment rights?

Held: Yes. Applying the *Bruen* approach as refined by *Rahimi*, we ask whether Hemani's conduct is covered by the text of the Second Amendment, and, if so, whether the govt can identify a historic tradition of firearms regulation that is relevantly similar to the challenged law. To assess relevant similarity, we compare the purpose (why) and operation (how) of the challenged and historic regulations. Here, the govt concedes that Hemani's conduct is protected by the text of the Second Amend. So the challenged regulation is presumptively unconstitutional, and the govt bears the burden of demonstrating a relevantly similar tradition. Here, the govt points to firearm restrictions that historically applied to habitual drunkards. But the habitual drunkard laws 1) targeted different kinds of people (the why), 2) did so for different purposes (the why), and 3) operated in different ways (the how). Re 1, laws targeted habitual drunkards because their drinking rendered them practically incapacitated and incapable of managing their affairs (as opposed to occasional marijuana users where this hasn't been proven). Re 2, laws like these did not seek to protect the public from violence so much as to protect habitual drunkards from themselves and their families from financial devastation, or to protect the community from scandals against good morals. Re 3, 922(g)(3), unlike past drunkard laws, does not offer an unlawful user pre-deprivation process before his temporary disarmament pending a full trial. On top of all this, the govt's stated purpose of protecting the public against violent and dangerous individuals is suspect because a) not all unlawful users of federally-controlled drugs fit that bill, and b) to make this claim with respect to occasional marijuana users is awkward since the federal govt has done much to fuel loosened restrictions on the use of that substance. But this is a narrow ruling—we only deal with the claim that the govt can disarm an individual merely because he uses marijuana a few times a week.

Concurrence (Jackson/Sotomayor): I'll agree as a precedential matter to how the new Second Amend test laid out in *Bruen* and *Rahimi* are being applied here, but the Court adopted it to supplant traditional ends-means review of laws alleged to infringe constitutional rights—something it should not have done. The new historic test is unworkable, manipulable, and ill-serves modern firearm regulation needs.

Concurrence in judgment (Alito/Kagan): The govt has failed to show that a marijuana user like Hemani is incapacitated in a way comparable to the habitual drunkards that the govt's analogues regulated. We need not say more to decide this case, and I would for that reason say no more.

Transgender Issues

- ***West Virginia v. B.P.J. and Little v. Hecox*** (pending—argued Jan. 13, 2026): whether states may bar transgender girls from being members of girls' K-12 and college sports teams.

CHILES v. SALAZAR (Free Speech; Transgender Counseling) (8-1) (Opinion by Gorsuch)

Key facts: Colorado passed a law essentially barring therapists from providing treatment designed to "convert" a minor to his or her biological gender identity or traditional sexual preference—citing evidence that conversion therapy can be harmful—while allowing therapy designed to affirm a minor's contrary gender identity or sexual orientation. The law was challenged by a therapist whose practice consists solely of talk therapy, and who at times provides what could be considered conversion talk therapy to minors. The lower courts denied relief, applying rational-basis review on the theory that the law regulates professional conduct and burdens speech only incidentally.

Question presented: Were the lower courts correct in applying rational basis review?

Held: No. As applied to the plaintiff, Colorado's law regulates speech on the basis of viewpoint, and the lower courts should have applied strict scrutiny.

Majority: There is no "First Amendment free zone" related to professional speech. Colorado's law is not a regulation of conduct that only incidentally regulates speech because it targets the content of what is being said rather than non-speech harms. The State's argument that this is a traditional regulation of medical treatment fails because licensing laws have traditionally regulated qualifications and not a professional's point of view.

Concurrence (Kagan/Sotomayor): Medical care typically involves speech, so the regulation of medical care may involve speech restrictions. But viewpoint restrictions ordinarily pose the greatest risk of censorship. We need not here decide how to assess viewpoint-neutral laws regulating health providers' expression because Colorado's is not one.

Dissent (Jackson): Many States like Colorado have chosen to ban "conversion therapy" based on the medical profession's broad consensus that this medical treatment is ineffective and harmful. These are policy decisions for legislators. The power of government to regulate the professions is not lost whenever the practice of a profession entails speech. Under our precedents, the First Amendment has far less salience when the speakers are medical professionals and their treatment-related speech is being restricted incidentally to the State's regulation of the provision of medical care. The majority instead opens a dangerous can of worms. It extends the Constitution into uncharted territory in an utterly irrational fashion, and risks grave harm to Americans' health and wellbeing.

***Two Emergency Docket Clashes Related to Transgender Rights*:**

1. In *Trump v. Orr*, the Court stayed a lower-court injunction against the Trump Administration's policy requiring newly issued passports to identify a holder's sex at birth rather than a gender identity inconsistent with that sex, allowing the policy to take effect while the First Circuit appeal proceeds. Justice Jackson, joined by Justices Sotomayor and Kagan, argued that the Government had not established the irreparable harm necessary for a stay and that the Court had again treated an emergency application as a quick merits decision. In her words, the Court was using its emergency docket to "cavalierly pick the winners and losers in cases that are still pending in the lower courts."

2. In *Mirabelli v. Bonta*, the Court restored interim relief for parents who are challenging California policies that generally prevent schools from disclosing to parents that a minor appears to be gender transitioning at school without permission from the minor. Justice Kagan, joined by Justice Jackson, protested that lower court review had barely begun, yet the Court intervened after "scant and, frankly, inadequate briefing," without oral argument or normal deliberation. She called the decision an example of how the "emergency docket can malfunction," adding: "The Court is impatient: It already knows what it thinks, and insists on getting everything over quickly."

III. Major Criminal Cases

Fourth Amendment

CASE v. MONTANA (4th Amend Search and Seizure) (9-0) (Opinion by Kagan)

Key Facts: Montana police officers responded to the home of petitioner Case after his ex-girlfriend called 911 to report that he was threatening suicide and may have shot himself. The officers knocked on the doors and yelled into an open window, but got no response. They could see an empty handgun holster and something that looked like a suicide note inside, and they ultimately decided to enter the home to render emergency aid. When one officer approached a bedroom closet in which Case was hiding, Case threw open the closet curtain while holding an object that looked like a gun. Fearing that he was about to be shot, the officer shot and injured Case. An ambulance was called to take Case to the hospital, and officers found a handgun next to where Case had stood. Case was charged with assaulting a police officer. Case moved to suppress all evidence obtained from the home entry, arguing that the police violated the Fourth Amendment by entering without a warrant.

Question Presented: Whether the emergency-aid exception to the warrant requirement recognized in *Brigham City v. Stuart* (2006), requires probable cause to believe an occupant needs emergency assistance.

Held: No. *Brigham City's* standard means just what it says: officers may enter a home without a warrant if they have an objectively reasonable basis for believing an occupant is seriously injured or imminently threatened with such injury. Probable cause is peculiarly related to criminal investigations and its accumulated body of law would fit awkwardly, if at all, in a non-criminal, non-investigatory setting. In this case, the totality of the circumstances gave the officers an

objectively reasonable basis to believe Case had shot himself or would do so absent intervention; the Fourth Amendment did not require them to leave him to his fate. The Court noted the exception's limit: an emergency-aid entry supplies no basis to search beyond what is reasonably needed to address the emergency and maintain officer safety.

- ***Chatrie v. United States*** (argued April 27, 2026): Whether geofence warrants—orders compelling a service provider to identify every cellphone user near a crime scene—are unconstitutional general warrants.

Other

BARRETT v. U.S. (Double Jeopardy) (9-0) (Opinion by Jackson)

Key facts: Dwayne Barrett committed a series of armed robberies. During one, his confederate shot and killed a man. Based on that single episode, Barrett was convicted of Hobbs Act robbery and two firearm offenses: using a firearm during a crime of violence under § 924(c)(1)(A)(i), and causing death in the course of a § 924(c) violation under § 924(j). The Second Circuit held that both firearm convictions could stand consistent with the Double Jeopardy Clause, acknowledging that the two provisions rested on the same offense under *Blockburger v. United States* but reasoning that Congress had clearly authorized cumulative punishments (as Congress is permitted to do without violating Double Jeopardy so long as the convictions occur as part of the same trial).

Question presented: May a defendant whose single act violates both § 924(c)(1)(A)(i) and § 924(j) be convicted under both provisions in a single trial?

Held: No. Applying ordinary tools of statutory interpretation yields the conclusion that Congress did not clearly authorize dual convictions. Accordingly, the *Blockburger* presumption—that Congress ordinarily does not intend to punish the same offense under two different statutes—controls, and one act that violates both provisions may yield only one conviction.

Concurrence (Gorsuch): Under our precedent, Double Jeopardy would bar convictions for both 924(c) and (j) if they occurred in successive trials, but if they occur in one trial we would allow them to stand if Congress had clearly authorized double convictions (which was not the case here). That interpretation of the Double Jeopardy Clause makes little sense and we should revisit it when the opportunity arises.

ELLINGBURG v. UNITED STATES (Ex Post Facto Clause / Criminal Restitution) (9-0) (Opinion by Kavanaugh)

Key facts: The Mandatory Victims Restitution Act of 1996 requires defendants convicted of certain federal crimes to pay monetary restitution to victims. Although Ellingburg committed his crime before the MVRA's enactment, he was sentenced under the MRVA and ordered to pay

$7,567.25 in restitution. Ellingburg raised an Ex Post Facto Clause challenge to his continued restitution obligation. The Eighth Circuit concluded that restitution under the MVRA is not criminal punishment subject to the Ex Post Facto Clause.

Question presented: Is restitution ordered under the MVRA criminal punishment for purposes of the Ex Post Facto Clause?

Held: Yes. Whether a law violates the Ex Post Facto Clause requires evaluating whether the law imposes a criminal or penal sanction as opposed to a civil remedy. That question is one of statutory construction that requires consideration of the statute's text and its structure. When viewed as a whole, the MVRA makes abundantly clear that restitution is criminal punishment. The MVRA labels restitution as a "penalty" for a criminal "offense." Only a criminal defendant convicted of a qualifying crime may be ordered to pay restitution. Restitution is imposed at sentencing for that offense together with other criminal punishments such as imprisonment and fines. And at the sentencing proceeding where restitution is imposed, the Government, not the victim, is the party adverse to the defendant. Further, the federal MVRA restitution regime is codified in criminal provisions of the U.S. Code, and a district court imposing restitution must follow the procedures applicable to other criminal penalties. Moreover, the Court's precedents have understood restitution under the MVRA to be criminal punishment. And while Congress intended restitution under the MVRA to both punish offenders and compensate victims, victims cannot initiate or settle the restitution process as they would if it were a civil proceeding. In short, the text and structure of the Act demonstrate that Congress intended restitution under the Act to impose criminal punishment.

HUNTER v. UNITED STATES (Appeal Waivers) (8-1) (Opinion by Kagan)

Key Facts: Hunter was charged with 10 counts of bank and wire fraud for a years-long scheme costing various financial institutions about half a million dollars. He entered into a written plea agreement with the govt under which he pleaded guilty to one count of aiding and abetting wire fraud in exchange for dismissal of the remaining nine charges and a promise not to prosecute him for the described conduct in the future. The agreement included an appeal waiver under which Hunter waived the right to appeal his conviction and sentence. At sentencing, the Probation Office recommended that as a condition of supervised release Hunter be required to participate in a mental health treatment program and take all mental-health medications prescribed by his treating physician. The District Court then imposed a sentence of 51 months in prison followed by three years of supervised release, including the contested medication condition. Hunter appealed, challenging the mandatory-medication condition as infringing on his "fundamental due process liberty interest in being free of unwanted mental health medication." The Government sought dismissal based on the appeal waiver. The Fifth Circuit dismissed the appeal, holding that appeal waivers are generally enforceable (the only exceptions being ineffective assistance of counsel claims and when the sentence exceeded the statutory maximum).

Question presented: When are appeal waivers in the sentencing context unenforceable, if ever?

Held: Given the judiciary's interest in the reality and perception of fair and just proceedings regardless of what the parties agree to, an appeal waiver is unenforceable when it would result in

a miscarriage of justice. That rule, properly understood and applied, sets a high bar: The waiver may be set aside only if the sentence is marred by the kind of egregious error that would bring the judicial system into disrepute. The error must be obvious—not one a judge could reasonably make. And it must be of the type that would undermine public confidence in the judiciary. Mere errors in applying sentencing guidelines are not enough. Examples of errors that would meet this high bar are sentences that exceed statutory authorization; sentences infected with a blatant constitutional error, such as when a judge takes account of a constitutionally impermissible factor (like race) or imposes a constitutionally infirm condition of supervised release (like barring a defendant from becoming pregnant); if a sentence was imposed without some minimum of civilized procedure as in orangutans picking the sentence from a hat or, less extravagantly, one in which the judge refused to hold a hearing consonant with basic principles of law. Moreover, ineffective assistance claims remain appealable because a waiver must be knowing and voluntary. Here, since the parties disagree on whether the forced medication condition meets the miscarriage of justice standard, we remand for reconsideration of this issue under the correct legal standard.

Concurrence (Gorsuch/Sotomayor/Jackson): Given that mushrooming plea bargains and appeal waivers are a modern phenomenon that can threaten the fair administration of justice, it is about time this Court takes a step toward reining in appeal waivers. Situations that should meet the miscarriage of justice standard should include what many lower courts and this Court have said in the past about what kinds of errors represent miscarriages of justice or otherwise reflect adversely on the integrity of the Judiciary.

Concurrence (Kavanaugh/Alito/Barrett): I respectfully disagree with J. Gorsuch's understanding of the miscarriage-of-justice exception. As I read it, his concurring opinion would set a lower bar for the miscarriage-of-justice exception than the Court's opinion does. The Court's opinion speaks for itself.

Dissent (Thomas): I see no basis for excusing Hunter from his appeal waiver. Defendants could not appeal federal criminal sentences at all for more than 100 years after the founding; only then did Congress create the statutory right to do so. Like many constitutional and statutory rights, the right to appeal can be waived by the defendant, and once that choice is finally made, the defendant is bound by the decision. The Court today creates a "miscarriage-of-justice" exception to this rule. But, it cannot identify any source of law for its exception. Without any source of law to justify its decision, the Court appears to rest on its policy concern that holding defendants to their waivers may sometimes lead to unfair results or make federal courts look bad. But, policy concerns are not rules of decision in courts of law. I would decide Hunter's case based on law rather than policy.

IV. Bookends: Review of Key Decisions in 2024-25, and Preview of Key Cases in 2026-27 Term Granted to Date

A. Looking Back—Some Key Cases from 2024-25 Term:

- ***Trump v. CASA, Inc.*** **(Universal Injunctions) (6-3)**: *Held*: As a matter of the Judiciary Act of 1789, a U.S. judge generally may not enter a universal injunction against a law or

other government action; relief is normally limited to the parties before the court who have demonstrated standing and the associated injury-in-fact.

- ***United States v. Skrmetti* (Transgender Rights) (6-3)**: *Held*: Tennessee's law prohibiting certain medical treatments for transgender minors (*to wit*, hormones and puberty blockers to aid a gender transition) does not constitute discrimination on the basis of sex or transgender status warranting heightened scrutiny, but rather discriminates as to age and permitted medical uses of certain treatments—satisfying rational basis review.
- ***Mahmoud v. Taylor* (Free Exercise Rights) (6-3)**: *Held:* Parents have a Free Exercise right to advance notice and opt-out from public-school instructional materials taught to their children that conflict with their sincere religious beliefs.
- ***Barnes v. Felix* (Fourth Amendment Rights) (9-0)**: *Held:* Fourth Amendment excessive-force claims must be evaluated under the totality of the circumstances leading up to the use of force, not just at the moment of the shooting or other use of force.

B. Looking Forward—Some Important Cases Already Teed Up for the 2026-27 Term:

- ***Beaird v. United States* (Federal Sentencing Guidelines)**: Whether sentencing courts must still defer to the Sentencing Commission's Commentary to the Federal Sentencing Guidelines pursuant to *Stinson v. U.S.* after the Court's recent retreat from deferring to agency interpretations of statutes (*Chevron*) and its own regulations (*Auer*). In other words, is *Stinson* dead or special?
- ***Suncor Energy v. Boulder County* (Climate Change; Federal Preemption)**: Whether cities and counties may sue oil and gas companies in state court under ordinary state-law theories for local harms allegedly caused by climate change, or whether federal law bars such suits.
- ***St. Mary Catholic Parish v. Roy* (Free Exercise Rights)**: Whether Colorado may exclude Catholic preschools from its universal preschool program because the parishes decline to enroll children whose family circumstances conflict with Catholic teaching on sex and gender — including children of same-sex or transgender parents and transgender children themselves.