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SUPREME COURT OF THE UNITED STATES BLOG



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Friday round-up

The Chief Justice issues an in-chambers opinion, SCOTUSblog's same-sex marriage symposium continues, and looking at next steps on health care.

Yesterday, Chief Justice Roberts issued an in-chambers opinion rejecting an application by a Virginia death-row inmate, who had asked the Court to stay a district court order setting the briefing schedule for his federal habeas proceedings until the Court acts on his petition for certiorari seeking review of a judgment of the Virginia Supreme Court. The case is [Gray v. Kelly](#) (No. 11A210).

SCOTUSblog's symposium on same-sex marriage added three posts yesterday from [Robert A. Levy](#) of the Cato Institute, [Brian Raum](#) of the Alliance Defense Fund, and [Charles Fried](#) of Harvard Law School. The entire symposium can be found [here](#).

Briefly:

- In a post at [Cato@Liberty](#), Ilya Shapiro outlines the possible next steps for health-care litigation at the Court. He predicts that a challenge to the constitutionality of the Affordable Care Act will indeed reach the Court this Term “one way or another, with argument in the spring and a decision the last week of June.”
- In a post at [Concurring Opinions](#), Gerard Magliocca discusses a recent NPR story about recusal practices. Positing that a proposal by Senator Patrick Leahy of Vermont to allow a retired Supreme Court Justice to replace a recused, active Justice in a case would be “problematic,” “because the pool of senior Justices capable of hearing cases is usually so small and the ideological views within that pool will be well-known to litigants who want to game the system,” he suggests instead that “when a Justice is recused then any federal circuit judge can be tapped to ‘sit by designation’ on the Supreme Court.”
- The [Boston Globe](#) reports on the effect that the Court's 2009 decision in [Carcieri v. Salazar](#) has had on efforts to legalize casinos in Massachusetts.

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