



Nabiha Syed *Round-up*

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Tuesday round-up

The Court began this Term's final week of oral argument on a quiet note: Monday's order list did not contain any new grants, nor did the Court call for the views of the Solicitor General in any new cases. With no new grants, coverage focused on the cases in which the Court denied review. Lyle Denniston of [this blog](#) provides brief summaries of the notable denials, including *Bowoto v. Chevron Corporation*, a sequel to last week's ruling in *Mohamad v. Palestinian Authority* that the Torture Victim Protection Act allows lawsuits only against individuals. Lawrence Hurley of [Greenwire](#) and the [Associated Press](#) also have coverage of the denial in *Bowoto*.

The Court also declined to review a decision by the U.S. Court of Appeals for the Second Circuit upholding New York City's rent-stabilization laws against a constitutional challenge. In addition to Lyle's coverage, Greg Stohr and Henry Goldman of [Bloomberg](#) report on the denial, as do [Reuters](#), [UPI](#), and Adam Liptak of the [New York Times](#). Finally, the Court denied the petition filed by a former Merrill Lynch executive convicted of lying to a grand jury regarding a deal in which Enron was involved. [Bloomberg](#) and the [Associated Press](#) have coverage of that case. Lyle Denniston of [this blog](#) reported on a petition for certiorari filed by Jose Padilla and his mother, asking the Court to consider whether federal officials may be sued for damages for the torture of a U.S. citizen on U.S. soil. The case seeks a right to sue under *Bivens v. Six Unknown Agents*, but as Lyle notes, "since that case came down in 1971, the Court has only twice allowed such a lawsuit to go forward, and the last time it did so was in 1980." The [Associated Press](#) also has coverage.

Yesterday the Court heard oral argument in just one case, *RadLAX Gateway Hotel v. Amalgamated Bank*. The [Bankruptcy Litigation Blog](#) has coverage.

With a quiet day at the Court, much of the coverage looks forward to the Court's last oral argument of this Term, scheduled for Wednesday: *Arizona v. United States*, in which the Court will consider whether federal immigration laws preempt several provisions of Arizona's S.B. 1070. Warren Richey of the [Christian Science Monitor](#) summarizes an *amicus* brief filed by Mexico and eighteen other countries in support of the federal government; the brief argues (among other things) that the Arizona law threatens U.S.-Mexico relations. Other commentary on the case comes from Ilya Shapiro of [Cato@Liberty](#), Jacob Sullum of [Reason](#), Natasha Rivera-Silber and Jordan Wells at [ImmigrationProf Blog](#), and Pratheepan Gulasekaram at [ACSBlog](#). And at [Slate](#), Paul Kramer contends that an 1874 immigration case "stands as a rebuke to Arizona today."

Briefly:

- Amy Howe of [this blog](#) explains the Court's latest decisions in plain English.

- The [Daily Texan](#) reports that the University of Texas has hired the firm of Latham & Watkins to represent the University in *Fisher v. University of Texas at Austin*, next Term's affirmative action case.
- At the [Brennan Center for Justice](#), Sidney Rosdeitcher analyzes some of the questions and concerns raised by the Court's more conservative Justices at the health care oral arguments and argues that those concerns "should not . . . affect their decision."
- *Mike Dorf of Dorf on Law* examines "the hostility to civil rights litigation" by Justices Breyer, Sotomayor, and Kagan in *Filarsky v. Delia* and concludes that "[t]he center of the Supreme Court has shifted substantially to the right in the last generation."