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Wednesday round-up

Yesterday the Court delivered an opinion in an argued case, summarily reversed in another case, and granted review in one new case.

In the argued case, *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, the Court held that debtors may not obtain confirmation of a Chapter 11 bankruptcy “cramdown” plan that proposes to sell substantially all of the debtors’ property at an auction, free and clear of the bank’s lien, using the sale proceeds to repay the bank, but that does not permit the bank to credit-bid at the sale. James Vicini covers the decision for [Reuters](#).

In *Coleman v. Johnson*, the Court summarily reversed a decision of the Third Circuit, holding that the court of appeals failed to accord sufficient respect to the determination of the jury and the Pennsylvania state courts that there was enough evidence to convict respondent Lorenzo Johnson for his role in a 1995 murder. Kent Scheidegger of [Crime and Consequences](#), Douglas Berman at [Sentencing Law and Policy](#), and the [Associated Press](#) all have coverage of the decision. Kali has additional details on yesterday’s orders and opinions [here](#), including the grant in *Marx v. General Revenue Corp.*, a Fair Debt Collection Practices Act case.

Coverage also extended to the cases in which the Court denied review, including a group of cert. petitions challenging the use of Tasers by police officers. Lyle Denniston has coverage of yesterday’s order list at [this blog](#); other coverage of the Taser cases comes from Bill Mears of [CNN](#), Warren Richey of the [Christian Science Monitor](#), Debra Cassens Weiss of the [ABA Journal](#), Mike Carter and Steve Miletich of the [Seattle Times](#), James Vicini of [Reuters](#), and the [Associated Press](#). Other denials came in cases involving a crystal used in medical-imaging devices (Greg Stohr of [Bloomberg](#)), a deadly 2007 interstate bridge collapse in Minneapolis (the [Associated Press](#)), the 1979 Iranian hostage crisis (the [Associated Press](#)), and successive habeas petitions (Kent Scheidegger of [Crime and Consequences](#)).

Finally, coverage of the Court and the Affordable Care Act (ACA) cases continues apace. At the [New Republic](#), Jeffrey Rosen addresses allegations that he was “trying to ‘intimidate’ or ‘bend’ the Chief Justice” in an [earlier article](#), explaining that he was instead merely “suggest[ing] that this is a moment of truth for Chief Justice Roberts.” At the Volokh Conspiracy, [Randy Barnett](#) and Ilya Somin ([here](#) and [here](#)) both respond to Rosen’s response. In

other health-care-related news, [Jonathan H. Adler](#) discusses the Court's search for a "limiting principle" in the cases in a post at the Volokh Conspiracy, while at the [Jury Expert](#) Ryan A. Malphurs and L. Hailey Drescher discuss the role of analogies in the oral arguments in the ACA cases. And at the [Health Affairs](#) blog, Jill Horowitz, Helen Levy, and Kathryn Gilbert address "two key misunderstandings" in an *amicus* brief filed by the American Action Forum in the cases.

Looking ahead to next Term's oral argument in *Fisher v. University of Texas at Austin*, the challenge to that university's use of affirmative action in its undergraduate admissions, Richard Kahlenberg – writing at the [Chronicle of Higher Education](#)'s Innovations blog – describes the petitioner's brief as the one that "is likely to persuade [Justice] Kennedy to significantly curtail the ability of colleges and universities to use race" in their admissions decisions. (Thanks to Howard for the link). Meanwhile, at [Cato@Liberty](#), Ilya Shapiro reports that the Cato Institute has filed an *amicus* brief in the case which "urge[s] the Supreme Court to [rein] in [the university's] unbridled use of race in admissions decisions."

Briefly:

- At this [blog](#), Lyle reports that the Court's upcoming Conferences will include *American Tradition Partnership v. Bullock*, the Montana campaign finance case, as well as "seven separate cases seeking to draw the Justices back into overseeing the handling of Guantanamo Bay detainee cases."
- Also at [this blog](#), Anne Bowen Poulin analyzes last week's decision in *Blueford v. Arkansas*, in which the Court held that the Double Jeopardy Clause does not bar a state from retrying a defendant after the jury in the original trial told the court that it had voted unanimously against capital murder and first-degree murder charges but was deadlocked on the manslaughter charge and eventually failed to reach a verdict, causing the court to declare a mistrial.
- At his [Sentencing Law and Policy](#) blog, Douglas Berman reacts to a [San Diego Union-Tribune](#) article describing prison conditions in California, one year after last Term's decision in *Brown v. Plata*.
- At the blog [Jost on Justice](#), Ken Jost discusses the challenges to the validity of the preclearance provision of the Voting Rights Act of 1965, which he describes as "only one step away from the Supreme Court, after a ruling this month . . . to uphold [it]."
- At the [Wall Street Journal](#) Law Blog, Jess Bravin reports that retired Justice John Paul Stevens was one of several "luminaries at the White House Tuesday to receive the Presidential Medal of Freedom from President Barack Obama."