



Conor McEvily Petition of the Day

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Wednesday round-up

Yesterday's coverage focused largely on the cases and cert. petitions the Court will consider in the coming months. The Associated Press (via the [Washington Post](#)) and David Savage of the [Los Angeles Times](#) both preview [Sackett v. Environmental Protection Agency](#), in which the Court will consider whether a landowner who has been issued an administrative compliance order by the Environmental Protection Agency for violating environmental laws may challenge the order in court before the EPA seeks judicial enforcement. At the [ABA Journal](#), Erwin Chemerinsky discusses what he describes as an important issue "lurking in the background of" the Texas redistricting cases: the constitutionality of Section 5 of the Voting Rights Act of 1965. In a post for [this blog](#), Lyle Denniston has coverage of the brief filed by the state of Texas in the redistricting cases yesterday; he reports that the state has in fact "given a very broad hint that Section 5's validity could actually be on the line right now." And at [Cato@Liberty](#), Ilya Shapiro weighs in, arguing that "[t]he Court should []schedule this case for broader reargument on the constitutionality of the Voting Rights Act as presently conceived."

Coverage of the Court also included coverage of some of the cert. petitions awaiting the Justices' review. The Associated Press (via the [Washington Post](#)) previews the petition in [Florida v. Jardines](#), in which the state is asking the Court to review a state supreme court's holding that a dog sniff at the front door of a suspected drug house by a trained narcotics detection dog is a Fourth Amendment search requiring probable cause. In an op-ed for the [New York Times](#), Paul Sherman discusses [Bluman v. Federal Election Commission](#), a First Amendment challenge to a federal law prohibiting noncitizens from making political contributions or spending money on independent political speech intended to influence elections. And at [this blog](#), Lyle reports that [Sandy Creek Energy Associates, L.P. v. Sierra Club, Inc.](#), in which the Court had invited the Solicitor General to file a brief expressing the views of the United States on whether the Environmental Protection Agency can impose new restrictions on air pollution emissions for a power

plant after construction was under way, has been dismissed after it was settled out of court.

The Chief Justice's [year-end report](#) on the federal judiciary, in which he expressed confidence in the Justices' recusal decisions, continues to generate commentary. Noting that this confidence is "not universally shared," the editorial board of the [Los Angeles Times](#) expresses support for proposed legislation that would require an explanation "when a justice complies with, or rejects, a serious request to withdraw from a case." In the [Atlantic](#), Andrew Cohen criticizes the report's failure to address the "scores of judicial nominations left pending to the detriment of litigants everywhere." The "inherent gulf between the [J]ustices . . . and the rank-and-file federal judges," Cohen writes, "is wider today in the wake of the [C]hief [J]justice's remarks." Debra Cassens Weiss of the [ABA Journal](#) also provides coverage of the report.

Finally, the Montana Supreme Court's recent dismissal of a challenge to a state ban on direct spending by corporations on political candidates or committees (which Lyle covered for [this blog](#)) also continues to garner coverage, including from Sam Favate at the Wall Street Journal [Law Blog](#), Dan Rivoli at the [International Business Times](#), and Jeremy Leaming of [ACSblog](#).

Briefly:

- In [Forbes](#), Kashmir Hill discusses a recent decision by a federal magistrate judge who declined to wait for the Court to issue its decision in [United States v. Jones](#), instead ruling that the FBI did not need a warrant to put a tracker on the car of a government employee.
- At the Wall Street Journal [Law Blog](#), Joe Palazzolo discusses the results of a recent poll on whether the Court should allow cameras in the courtroom for arguments in the health-care case.