

# INDEX

(Vol. 575 U. S.)

---

**ABSENCE OF COUNSEL.** See **Habeas Corpus.**

**ACCOMMODATION OF RELIGION.** See **Civil Rights Act of 1964.**

**ADMINISTRATIVE PROCEDURE ACT.**

*Rulemaking procedures—Exemption of interpretative rules from notice-and-comment process.*—D. C. Circuit’s *Paralyzed Veterans* holding is contrary to APA’s categorical exemption of interpretive rules from notice-and-comment process, and it imposes on federal agencies an obligation beyond APA’s maximum procedural requirements. *Perez v. Mortgage Bankers Assn.*, p. 92.

**ALABAMA.** See **Constitutional Law, II; Railroad Revitalization and Regulatory Reform Act of 1976.**

**AMERICANS WITH DISABILITIES ACT OF 1990.**

*Accommodations for bringing mentally disabled suspect into custody—Officers’ qualified immunity.*—Question whether ADA “requires law enforcement officers to provide accommodations to an armed, violent, and mentally ill suspect in the course of bringing the suspect into custody,” is dismissed as improvidently granted; and petitioner police officers are entitled to qualified immunity from liability for injuries suffered by Sheehan in course of her arrest. *City and County of San Francisco v. Sheehan*, p. 600.

**AMTRAK.** See **Government Corporations.**

**ANTITRUST.** See **Natural Gas Act.**

**APPOINTMENTS CLAUSE.** See **Government Corporations.**

**ARTICLE III COURTS.** See **Bankruptcy, 1.**

**ASSISTANCE OF COUNSEL.** See **Habeas Corpus.**

**BANKRUPTCY.**

1. *Bankruptcy judges—Article III—Stern claims.*—Article III permits bankruptcy judges to adjudicate *Stern* claims—*i. e.*, claims designated for final adjudication in bankruptcy court by statute but prohibited from pro-

**BANKRUPTCY—Continued.**

ceeding in that way by Article III, see *Stern v. Marshall*, 564 U. S. 462—with parties' knowing and voluntary consent, which may be either express or implied. *Wellness Int'l Network, Ltd. v. Sharif*, p. 665.

2. *Chapter 7 conversion—Return of postpetition wages.*—A debtor who converts a bankruptcy case from Chapter 13 to Chapter 7 is entitled to return of any postpetition wages not yet distributed by Chapter 13 trustee. *Harris v. Viegelahn*, p. 510.

3. *Denial of plan confirmation—Final appealable order.*—A bankruptcy court's order denying confirmation of a debtor's proposed repayment plan in a Chapter 13 bankruptcy is not a final order that debtor can immediately appeal. *Bullard v. Blue Hills Bank*, p. 496.

4. *Underwater junior mortgage liens.*—A Chapter 7 debtor may not use § 506(d) of Bankruptcy Code to void an underwater junior mortgage if creditor's claim is both secured by a lien and allowed under § 502. *Bank of America, N. A. v. Caulkett*, p. 790.

**CAMPAIGN FINANCE.** See **Constitutional Law**, III.

**CIVIL RIGHTS ACT OF 1871.**

*Section 1983—State corrections officials—Qualified immunity—Suicide prevention protocols.*—Petitioner state corrections officials are entitled to qualified immunity in this 42 U. S. C. § 1983 suit, in which respondents allege that petitioners violated their incarcerated relative's civil rights by failing to implement adequate suicide prevention protocols to prevent his suicide. *Taylor v. Barkes*, p. 822.

**CIVIL RIGHTS ACT OF 1964.** See **Employment Discrimination**.

*Title VII—Religious practice accommodation—Motivating factor in employment decision.*—To prevail in a disparate-treatment claim under Title VII of Civil Rights Act of 1964, an applicant need show only that his need for an accommodation of a religious practice was a motivating factor in an employment decision, not that employer had knowledge of his need. *EEOC v. Abercrombie & Fitch Stores, Inc.*, p. 768.

**COLLATERAL ESTOPPEL.** See **Trademarks**.

**COLORADO.** See **Tax Injunction Act**.

**COMMERCE CLAUSE.** See **Constitutional Law**, I.

**CONGRESSIONAL REDISTRICTING.** See **Constitutional Law**, II.

**CONSTITUTIONAL LAW.** See also **Bankruptcy**, 2; **Habeas Corpus**.

**I. Commerce Clause.**

*Personal income tax—Credit for income taxes paid to other States.*—Maryland's personal income tax scheme, which does not offer Maryland

**CONSTITUTIONAL LAW**—Continued.

residents a full credit against income taxes that they pay to other States, violates dormant Commerce Clause. *Comptroller of Treasury of Md. v. Wynne*, p. 542.

**II. Equal protection of the laws.**

*Redistricting plan—Racial gerrymanders.*—District Court applied incorrect legal standards in evaluating appellants' claims that Alabama's new district boundaries create "racial gerrymanders" in violation of Fourteenth Amendment's Equal Protection Clause. *Alabama Legislative Black Caucus v. Alabama*, p. 254.

**III. Freedom of speech.**

*Florida Code of Judicial Conduct—Ban on judicial candidates' solicitation of campaign contributions.*—First Amendment permits Code's Canon 7C(1) ban on personal solicitation of campaign funds by judicial candidates. *Williams-Yulee v. Florida Bar*, p. 433.

**IV. Searches and seizures.**

1. *Reasonable suspicion—Traffic stop—Drug-sniffing dog.*—Absent reasonable suspicion, police extension of a traffic stop in order to conduct a dog sniff violates Constitution's shield against unreasonable seizures. *Rodriguez v. United States*, p. 348.

2. *Satellite-based monitoring of recidivist sex offenders.*—North Carolina Court of Appeals erred in concluding that State's satellite-based monitoring of petitioner for repeated sex offenses was not a Fourth Amendment search, but state courts should determine search's reasonableness in first instance. *Grady v. North Carolina*, p. 306.

**CONTROLLED SUBSTANCES.** See **Immigration Law**.

**CREDITORS AND DEBTORS.** See **Bankruptcy**.

**CRIMINAL LAW.**

1. *Communication of a threat in interstate commerce—Jury instruction.*—At petitioner's trial on charges that he communicated a "threat . . . to injure the person of another" in interstate commerce by posting violent material about his estranged wife and others on Facebook, see 18 U. S. C. § 875(c), an instruction that only required jury to find negligence with respect to that communication was not sufficient to support conviction. *Elonis v. United States*, p. 723.

2. *Firearms possession—Convicted felons—Transfer to third party.*—Title 18 U. S. C. § 922(g), which prohibits a felon from possessing any firearms, does not bar a court-ordered transfer of felon's lawfully owned firearms from Government custody to a third party, provided that court is satisfied that recipient will not give felon control over firearms, so that he

**CRIMINAL LAW**—Continued.

could either use them or direct their use. *Henderson v. United States*, p. 622.

**DEBTORS AND CREDITORS.** See **Bankruptcy**.

**DEPORTATION.** See **Immigration Law**.

**DISCRIMINATION BASED ON RACE.** See **Constitutional Law, II**.

**DISCRIMINATORY STATE TAXATION OF RAILROADS.** See **Railroad Revitalization and Regulatory Reform Act of 1976**.

**DISPARATE TREATMENT CLAIMS.** See **Pregnancy Discrimination Act; Civil Rights Act of 1964**.

**DORMANT COMMERCE CLAUSE.** See **Constitutional Law, I**.

**EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**

*Breach of fiduciary duty claim—6-year statutory bar.*— Ninth Circuit erred by applying Act's 6-year statutory bar, 29 U. S. C. § 1113, to a breach of fiduciary duty claim based solely on fiduciary's initial selection of investments to be included in a 401(k) savings plan without considering contours of alleged breach of fiduciary duty. *Tibble v. Edison Int'l*, p. 523.

**EMPLOYERS AND EMPLOYEES.** See **Employment Discrimination; Pregnancy Discrimination Act**.

**EMPLOYMENT DISCRIMINATION.** See also **Pregnancy Discrimination Act; Civil Rights Act of 1964**.

*Equal Employment Opportunity Commission—Duty to attempt conciliation of claims.*—Courts have authority to review whether EEOC has fulfilled its duty to attempt conciliation of claims before suing an employer for employment discrimination under Title VII of Civil Rights Act of 1964, but this review is narrow, enforcing only EEOC's statutory obligation to give employer notice and an opportunity to achieve voluntary compliance. *Mach Mining, LLC v. EEOC*, p. 480.

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.** See **Employment Discrimination**.

**EQUAL PROTECTION OF THE LAWS.** See **Constitutional Law, II**.

**EQUITABLE TOLLING OF LIMITATIONS PERIODS.** See **Federal Tort Claims Act**.

**FACEBOOK.** See **Criminal Law, 1**.

**FALSE CLAIMS ACT.** See **Qui Tam Suits**.

**FEDERAL RULES OF BANKRUPTCY PROCEDURE.**

Amendments to Rules, p. 1049.

**FEDERAL RULES OF CIVIL PROCEDURE.**

Amendments to Rules, p. 1055.

**FEDERAL TORT CLAIMS ACT.**

*Filing deadlines—Equitable tolling.*—Because Act's filing deadlines—two years to present an administrative claim and six months to file suit challenging denial of such claim, 28 U.S.C. §2401(b)—are nonjurisdictional, they are subject to equitable tolling. *United States v. Kwai Fun Wong*, p. 402

**FEDERAL-STATE RELATIONS.** See **Natural Gas Act; Tax Injunction Act.**

**FIDUCIARY DUTIES OF INVESTMENT ADVISERS.** See **Employee Retirement Income Security Act of 1974.**

**FILING PERIODS.** See **Federal Tort Claims Act.**

**FIREARMS POSSESSION.** See **Criminal Law, 2.**

**FIRST AMENDMENT.** See **Constitutional Law, III.**

**FLORIDA.** See **Constitutional Law, III.**

**FOURTEENTH AMENDMENT.** See **Constitutional Law, II.**

**FOURTH AMENDMENT.** See **Constitutional Law, IV.**

**FRAUD.** See ***Qui Tam Suits.***

**FREEDOM OF SPEECH.** See **Constitutional Law, III.**

**GENDER DISCRIMINATION.** See **Employment Discrimination; Pregnancy Discrimination Act.**

**GOVERNMENT CORPORATIONS.**

*Passenger railroad metrics and standards—Amtrak—Governmental entity.*—For purposes of determining validity of passenger railroad metrics and standards jointly issued by Amtrak and Federal Railroad Administration, Amtrak is a governmental, not a private, entity. *Department of Transportation v. Association of American Railroads*, p. 43

**HABEAS CORPUS.**

*Ineffective assistance of counsel—Counsel's absence during testimony about codefendants.*—Federal habeas relief was improperly granted here, because Michigan Court of Appeals' decision—that a brief absence of respondent's counsel during testimony about his codefendants did not constitute ineffective assistance—was not “contrary to,” or an “unreasonable application of,” any holding of this Court, 28 U.S.C. §2254(d). *Woods v. Donald*, p. 312.

**IMMIGRATION LAW.**

*Conviction for concealing unnamed pills—Deportation.*—Petitioner's Kansas conviction for concealing unnamed pills in his sock did not "relat[e] to a controlled substance" for purposes of triggering removal under 8 U. S. C. § 1227(a)(2)(B)(i). *Mellouli v. Lynch*, p. 798.

**IN FORMA PAUPERIS.**

*"Three strikes" provision—In forma pauperis status—Prior dismissal pending on appeal.*—For purposes of a special "three strikes" provision that prevents federal courts from affording *in forma pauperis* status to prisoners who have brought frivolous civil actions or appeals in federal court on three or more prior occasions, see 28 U. S. C. § 1915(g), a qualifying prior dismissal counts as a strike even if it is pending on appeal. *Coleman v. Tollefson*, p. 532.

**INTERSTATE COMMERCE.** See **Constitutional Law, I; Criminal Law, 1; Natural Gas Acts; Tax Injunction Act.**

**ISSUE PRECLUSION.** See **Trademarks.**

**JUDICIAL ELECTIONS.** See **Constitutional Law, III.**

**JURY INSTRUCTIONS.** See **Criminal Law, 1.**

**KANSAS.** See **Immigration Law.**

**LANHAM ACT.** See **Trademarks.**

**MARYLAND.** See **Constitutional Law, I.**

**MEDICAID LAW**

*Supremacy Clause—Private right of action—Injunctive relief.*—Supremacy Clause does not confer a private right of action; and Medicaid providers cannot sue for an injunction requiring compliance with 42 U. S. C. § 1396a(a)(30)(A), which provides that a State's Medicaid plan must "assure that payments are consistent with efficiency, economy, and quality of care" while "safeguard[ing] against unnecessary utilization of . . . care and services." *Armstrong v. Exceptional Child Center, Inc.*, p. 320.

**MENTAL ILLNESS.** See **Americans with Disabilities Act of 1990.**

**METRICS AND STANDARDS.** See **Government Corporations.**

**MICHIGAN.** See **Habeas Corpus.**

**MONITORING OF SEX OFFENDERS.** See **Constitutional Law, IV, 2.**

**MORTGAGES.** See **Bankruptcy, 4.**

**NARCOTICS-DETECTION DOGS.** See **Constitutional Law, IV, 1.**

**NATURAL GAS ACT.**

*Interstate gas pipelines—Pre-emption of state-law antitrust claims.*—Act, which occupies “field of matters relating to wholesale sales and transportation of natural gas in interstate commerce,” *Schneidewind v. ANR Pipeline Co.*, 485 U. S. 293, 305, but leaves retail prices to state regulation, does not pre-empt respondents’ state-law antitrust claims against interstate gas pipelines for engaging in behavior that not only resulted in higher retail costs for respondents but also affected federally regulated wholesale prices. *Oneok, Inc. v. Learjet, Inc.*, p. 373.

**NORTH CAROLINA.** See **Constitutional Law**, IV, 2.

**PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT.**

See **Government Corporations**.

**PATENTS.**

*Good-faith belief regarding patent validity—Induced infringement defense.*—A defendant’s belief regarding patent validity is not a defense to a claim of induced infringement under 35 U. S. C. § 271. *Commil USA, LLC v. Cisco Systems, Inc.*, p. 632.

**POSSESSION OF FIREARMS.** See **Criminal Law**, 2.

**PRE-EMPTION.** See **Natural Gas Act**.

**PREGNANCY DISCRIMINATION ACT.**

*Proof of disparate treatment using indirect evidence—McDonnell Douglas framework.*—In a Pregnancy Discrimination Act case, a worker may show disparate treatment using indirect evidence through application of *McDonnell Douglas* framework; here, Young created a genuine dispute as to whether UPS provided more favorable treatment to some employees whose situation cannot reasonably be distinguished from hers, and Fourth Circuit is to determine on remand whether Young also created a genuine issue of material fact as to whether UPS’ reasons for her treatment were pretextual. *Young v. United Parcel Service, Inc.*, p. 206.

**PRISONERS’ RIGHTS.** See **Civil Rights Act of 1964**.

**PRIVATE RIGHTS OF ACTION.** See **Medicaid Law**.

**QUALIFIED IMMUNITY FROM SUIT.** See **Americans with Disabilities Act of 1990**; **Civil Rights Act of 1871**.

**QUI TAM SUITS.**

*Wartime Suspension of Limitations Act—False Claims Act.*—WSLA—which suspends “running of any statute of limitations applicable to any offense” involving fraud against Federal Government, 18 U. S. C. § 3287—applies only to criminal offenses; FCA—which prohibits making false or fraudulent claims for federal payments—keeps *qui tam* suits

**QUI TAM SUITS**—Continued.

“based on the facts underlying [a] pending action,” 31 U. S. C. § 3730(b)(5), out of court only while related claims are still alive. *Kellogg Brown & Root Services, Inc. v. United States ex rel. Carter*, p. 650.

**RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.**

*Discriminatory state sales and use taxes—Taxation of rail carrier’s diesel fuel purchases—Motor carriers exempt.*—Where CSX challenged Alabama’s sales and use taxes as discriminatory under Act, Eleventh Circuit properly concluded that CSX’s transportation industry competitors—motor carriers and water carriers—are an appropriate comparison class for CSX’s claim, but that court erred in refusing to consider whether Alabama could justify its decision to exempt motor carriers from its sales and use taxes through its decision to subject motor carriers to a fuel-excise tax. *Alabama Dept. of Revenue v. CSX Transp., Inc.*, p. 21.

**RAILROADS.** See **Government Corporations; Railroad Revitalization and Regulatory Reform Act of 1976.**

**REASONABLE SUSPICION STANDARD.** See **Constitutional Law**, IV, 1.

**REDISTRICTING PLANS.** See **Constitutional Law**, II.

**REMOVAL.** See **Immigration Law**.

**REPETITIOUS FILINGS.** See *In Forma Pauperis*.

**RETAIL SALES.** See **Tax Injunction Act**.

**RETIREMENT PLANS.** See **Employee Retirement Income Security Act of 1974**.

**RIGHT TO COUNSEL.** See **Habeas Corpus**.

**RIGHT TO VOTE.** See **Constitutional Law**, II.

**RULEMAKING AUTHORITY.** See **Administrative Procedure Act**.

**SALES AND USE TAXES.** See **Railroad Revitalization and Regulatory Reform Act of 1976; Tax Injunction Act**.

**SEARCHES AND SEIZURES.** See **Constitutional Law**, IV.

**SECURITIES ACT OF 1933.**

*Securities registration statement—Untrue statement of material fact.*—In evaluating respondents’ claim under Act’s §11, Sixth Circuit erred in holding that Omnicare’s securities registration statement “contained an untrue statement of material fact,” 15 U. S. C. § 77k(a), simply because it expressed opinions that ultimately proved incorrect; but court



**SECURITIES ACT OF 1933**—Continued.

on remand should consider whether respondents have stated a viable claim that Omnicare's opinions "omitted to state a material fact . . . necessary to make [them] not misleading." *Omnicare, Inc. v. Laborers Dist. Council Constr. Industry Pension Fund*, p. 175.

**SEGREGATION OF VOTERS BASED ON RACE.** See **Constitutional Law**, II.

**SEPARATION OF POWERS.** See **Government Corporations**.

**SEX OFFENDERS.** See **Constitutional Law**, IV, 2.

**STATE INCOME TAXES.** See **Constitutional Law**, I.

**STATUTES OF LIMITATIONS.** See **Employee Retirement Income Security Act of 1974**; *Qui Tam Suits*.

**SUICIDE PREVENTION PROTOCOLS.** See **Civil Rights Act of 1871**.

**SUPREMACY CLAUSE.** See **Medicaid Law**; **Tax Injunction Act**.

**SUPREME COURT.**

1. Presentation of Attorney General, p. VII.
2. Amendments to Federal Rules of Bankruptcy Procedure, p. 1049.
3. Amendments to Federal Rules of Civil Procedure, p. 1055.

**TAX INJUNCTION ACT.**

*Retailers' noncollection of state sales or use taxes—Notice and reporting requirements.*—Act—which provides that federal district courts "shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law," 28 U. S. C. § 1341—does not bar petitioner's suit to enjoin enforcement of a Colorado law that imposes notice and reporting requirements on retailers that do not collect a sales or use tax on state residents' purchases. *Direct Marketing Assn. v. Brohl*, p. 1.

**THREATS.** See **Criminal Law**, 1.

**TITLE VII.** See **Civil Rights Act of 1964**; **Employment Discrimination**.

**TRADEMARKS.**

*Issue preclusion—Trademark registration action.*—So long as other ordinary elements of issue preclusion are met, when usages adjudicated by Trademark Trial and Appeal Board in a Lanham Act registration action are materially same as those before a district court in an infringement action, issue preclusion should apply. *B&B Hardware, Inc. v. Hargis Industries, Inc.*, p. 138.

**TRAFFIC STOPS.** See **Constitutional Law**, IV, 1.

**TRANSFERS OF FIREARMS.** See **Criminal Law**, 2.

**WAIVER OF FEES.** See *In Forma Pauperis*.

**WARTIME SUSPENSION OF LIMITATIONS ACT.** See *Qui Tam Suits*.

**WORDS AND PHRASES.**

1. “[*R*]estrain the assessment, levy or collection of any tax.” Tax Injunction Act, 28 U. S. C. § 1341. *Direct Marketing Assn. v. Brohl*, p. 1.

2. “[*P*]ending.” False Claims Act, 31 U. S. C. § 3703(b)(5). *Kellogg Brown & Root Services, Inc. v. United States ex rel. Carter*, p. 650.