

Syllabus

DOLLAR GENERAL CORP. ET AL. *v.* MISSISSIPPI
BAND OF CHOCTAW INDIANS ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

No. 13–1496. Argued December 7, 2015—Decided June 23, 2016
746 F. 3d 167, affirmed by an equally divided Court.

Thomas C. Goldstein argued the cause for petitioners. With him on the briefs was *Edward F. Harold*.

Neal Kumar Katyal argued the cause for respondents. With him on the brief were *C. Bryant Rogers*, *Carolyn J. Abeita*, *Frederick Liu*, *Riyaz A. Kanji*, *Melissa T. Carleton*, *N. Cheryl Hamby*, *Terry L. Jordan*, and *Brian D. Dover*.

Deputy Solicitor General Kneedler argued the cause for the United States as *amicus curiae* urging affirmance. With him on the brief were *Solicitor General Verrilli*, *Assistant Attorney General Cruden*, *Curtis E. Gannon*, *William B. Lazarus*, *Mary Gabrielle Sprague*, and *Hilary C. Tompkins*.*

*Briefs of *amici curiae* urging reversal were filed for the State of Oklahoma et al. by *E. Scott Pruitt*, Attorney General of Oklahoma, and *Patrick R. Wyrick*, Solicitor General, and by the Attorneys General for their respective States as follows: *Luther Strange* of Alabama, *Mark Brnovich* of Arizona, *Bill Schuette* of Michigan, *Sean D. Reyes* of Utah, and *Peter K. Michael* of Wyoming; for the Association of American Railroads by *Lynn H. Slade*, *Deana M. Bennett*, *Louis P. Warchot*, and *Daniel Saphire*; for the Retail Litigation Center, Inc., by *Laura K. McNally*, *Andrew R. DeVoght*, and *Deborah White*; and for the South Dakota Bankers Association by *Brett Koenecke*.

Briefs of *amici curiae* urging affirmance were filed for the State of Mississippi et al. by *Jim Hood*, Attorney General of Mississippi, and *Mary Jo Woods* and *Blake Bee*, Special Assistant Attorneys General, *Peter K. Stris*, *Brendan S. Maher*, and *Daniel L. Geyser*, and by the Attorneys General for their respective States as follows: *Cynthia H. Coffman* of Colorado, *Hector H. Balderas* of New Mexico, *Wayne Stenehjem* of North Dakota, *Ellen F. Rosenblum* of Oregon, and *Robert W. Ferguson* of Washington; for the American Civil Liberties Union et al. by *Stephen L. Pevar*,

PER CURIAM.

The judgment is affirmed by an equally divided Court.

Matthew A. Coles, and Steven R. Shapiro; for the Cherokee Nation et al. by Seth P. Waxman, Kenneth L. Salazar, Daniel S. Volchok, David M. Lehn, Stephen H. Greetham, Michael Burrage, Lloyd B. Miller, Douglas B. L. Endreson, Frank S. Holleman, and Bob Rabon; for Historians and Legal Scholars by Danielle Spinelli; for the National Congress of American Indians et al. by Joseph H. Webster, Gregory A. Smith, Geoffrey D. Strommer, William R. Norman, Caroline P. Mayhew, Joshua M. Segal, and R. Trent McCotter; for the Natural Indigenous Women's Resource Center et al. by Mary Kathryn Nagle; and for the Puyallup Tribe of Indians et al. by Harry R. Sachse, Reid Peyton Chambers, Peng Wu, and Sarah Krakoff.