

(ORDER LIST: 593 U.S.)

MONDAY, MAY 17, 2021

CERTIORARI -- SUMMARY DISPOSITION

20-1047 ALABAMA, ET AL. V. AL CONFERENCE OF NAACP, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit with instructions to dismiss the case as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950).

ORDERS IN PENDING CASES

20A156 VINKOV, SERGEI V. USDC CD CA

The application for stay addressed to Justice Barrett and referred to the Court is denied.

20M76 BIZZARRO, ANGELO R. V. FIRST NATIONAL BANK

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

20M77 O'NEAL, MATTHEW J. V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

20-429) AMERICAN MEDICAL ASSN., ET AL. V. BECERRA, SEC. OF H&HS, ET AL.

20-454) BECERRA, SEC. OF H&HS, ET AL. V. MAYOR AND CITY COUNCIL BALTIMORE

20-539) OREGON, ET AL. V. BECERRA, SEC. OF H&HS, ET AL.

The Government has filed a letter brief representing that it will continue enforcing the challenged rule and regulations outside the State of Maryland for as long as they remain operative. If further litigation is brought against the

challenged rule and regulations outside of Maryland, the Government represents that it will either oppose that litigation on threshold grounds or seek to hold the litigation in abeyance pending the completion of notice and comment. In light of the Government's representations, the motions for leave to intervene are denied, and the petitions in Nos. 20-429, 20-454, and 20-539 are dismissed pursuant to Rule 46.1. If the Government fails to enforce the challenged rule and regulations outside of Maryland prior to the completion of notice and comment, or if litigation is brought against the challenged rule and regulations outside of Maryland, any aggrieved party may file an application in this Court after seeking relief in the appropriate District Court and Court of Appeals.

Justice Thomas, Justice Alito, and Justice Gorsuch would grant the motions for leave to intervene and deny the stipulations to dismiss the petitions.

20-807 LeDURE, BRADLEY V. UNION PACIFIC RAILROAD CO.

The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States. Justice Barrett took no part in the consideration of this petition.

CERTIORARI GRANTED

19-1392 DOBBS, MS HEALTH OFFICER, ET AL. V. JACKSON WOMEN'S HEALTH, ET AL.

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

20-1009 SHINN, DIR., AZ DOC V. RAMIREZ, DAVID M.

20-1143 BADGEROW, DENISE A. V. WALTERS, GREG, ET AL.

The petitions for writs of certiorari are granted.

CERTIORARI DENIED

20-101 HARRIS, LLOYD V. MARYLAND

20-718 REYES-ROMERO, MARIO N. V. UNITED STATES

20-745 LECHUGA, ISMAEL V. UNITED STATES

20-773) KHAN, NAZIR, ET AL. V. MERIT MEDICAL SYSTEMS, ET AL.
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20-1363) MERIT MEDICAL SYSTEMS V. KHAN, NAZIR, ET AL.

20-791 EGLISE BAPTISTE BETHANIE, ET AL. V. SEMINOLE TRIBE OF FL, ET AL.

20-895 SELDIN, SCOTT A., ET AL. V. ESTATE OF SILVERMAN, ET AL.

20-937 ANDREWS, ROBERT V. NEW JERSEY

20-1048 MOORE, STEVENSON R. O. V. GARLAND, ATT'Y GEN.

20-1061 DANTZLER, INC., ET AL. V. S2 SERVICES PUERTO RICO, ET AL.

20-1095 HAWS, DARIUS W. V. IDAHO

20-1110 SANDOZ INC., ET AL. V. IMMUNEX CORP., ET AL.

20-1116 SEWARD, ANTHONY V. UNITED STATES

20-1130 ERICSSON INC., ET AL. V. TCL COMMUNICATION, ET AL.

20-1159 VT NAT. TEL. CO. V. VT DEPT. OF TAXES

20-1213 MIGNOTT, MARSHA W., ET AL. V. GARDINER, BRIAN

20-1219 CURRY, CARLINE M. V. MACKENZIE, DOUGLAS

20-1221 OCHOA, MICHAEL R. V. RUBIN, ERIN

20-1231 SMITH, JENNIFER V. FL A & M UNIV.

20-1234 BAPTISTE, MARIANNE, ET AL. V. MA OFFICE OF HEALTH, ET AL.

20-1236 ANDERSON, JASON A. V. CLARKE, DIR., VA DOC

20-1242 ENDENCIA, FRANCES V. ARCE, MARIO

20-1248 KINZY, KYLE, ET UX. V. FIRST TENNESSEE BANK, N.A.

20-1251 ANDERSON, CLAUD V. HARBOR BANK OF MD

20-1253 STRINGER, CHARLES L. V. STORESONLINE, INC., ET AL.

20-1254 RAO, PADMA V. MIDLAND TRUST CO.

20-1257 JENSEN, AARON V. WEST JORDAN CITY, UT

20-1265 MOORE, IVAN R., ET AL. V. MARTIN-BRAGG, KIMBERLY
 20-1273 OLSTOWSKI, FRANEK V. PETROLEUM ANALYZER CO.
 20-1275 VESUVIUS USA CORP., ET AL. V. PHILLIPS, ROYSTON
 20-1277 MEYER, RICHARD V. KENTUCKY
 20-1291 WPEM, LLC V. SOTI INC.
 20-1299 CLARK, ERIC S. V. WILLIAMSBURG, KS
 20-1303 PAPPAS, ANTHONY V. LORINTZ, JOSEPH, ET AL.
 20-1310 McCANN, GENET V. WOLD, DOUGLAS J., ET AL.
 20-1316 FLING, DANIEL V. USPS, ET AL.
 20-1329 TRAYVILLA, MACARIETO I., ET AL. V. JAPAN AIRLINES, ET AL.
 20-1335 A. P. V. VERMONT
 20-1355 JOHNSON, DAVID M. V. YELLEN, SEC. OF TREASURY
 20-1368 ROLLO-CARLSON, CYNTHIA V. UNITED STATES
 20-1408 FERNANDEZ, KEITH V. WHARTON SCHOOL, ET AL.
 20-1411 STARLINE TOURS OF HOLLYWOOD V. EHM PRODUCTIONS, ET AL.
 20-1414 UBER TECHNOLOGIES, INC., ET AL. V. RAZAK, ALI, ET AL.
 20-1416 NESKE, DOROTHY, ET VIR V. NEW YORK CITY DEPT. OF ED.
 20-1418 CIRINO, SEPIDEH V. OCWEN LOAN SERVICING LLC, ET AL.
 20-1422 76 ORINDA V. MORALEZ, FRANCISCA
 20-1423 GRUNDSTEIN, ROBERT V. VT BD. OF BAR EXAMINERS
 20-1427 PACHECO PACHECO, LEVIAN V. UNITED STATES
 20-1428 NOERGAARD, TAMMY V. NOERGAARD, CHRISTIAN
 20-1439 LOYD, PHILLIP D. V. UNITED STATES
 20-1441) BEECHER, GEORGE V. NEW JERSEY
)
 20-1442) STOVEKEN, ANDREW V. NEW JERSEY
 20-1445 FOREMAN, NATHAN R. V. TEXAS
 20-1449 PERSAUD, HAROLD V. UNITED STATES
 20-1463 MORTGAGE INVESTORS CORP., ET AL. V. U.S., EX REL. BIBBY, ET AL.

20-1470 JEFFREY, THOMAS A. V. PENNSYLVANIA
20-1478 SAUL, COMM'R, SOCIAL SEC. V. PROBST, LISA, ET AL.
20-6387 WOODARD, DARRIN B. V. UNITED STATES
20-6626 MASALMANI, IHAB V. MICHIGAN
20-6743 DUSSARD, NEIL V. UNITED STATES
20-6808 TRAFICANTE, THOMAS V. UNITED STATES
20-6822 BERRYMAN, RODNEY V. DAVIS, WARDEN
20-6837 OWENS, JACOB R. V. UNITED STATES
20-6840 DARRINGTON, FREDERICK D. V. UNITED STATES
20-6841 JONES, STEVEN V. UNITED STATES
20-6923 ABBATE, CHRISTOPHER J. V. UNITED STATES
20-6972 JENKINS, MARK A. V. DUNN, COMM'R, AL DOC
20-7030 LOVE, DEVARON A. V. UNITED STATES
20-7071 RUSSELL, PETE V. LUMPKIN, DIR., TX DCJ
20-7205 FRANQUI, LEONARDO V. FLORIDA
20-7228 POOLER, LEROY V. FLORIDA
20-7312 PARKER, RAEVON T. V. PICKENS, JOHN, ET AL.
20-7351 SHAW, SHEENA V. SACRAMENTO CTY. SHERIFF, ET AL.
20-7356 SPIVEY, ERON M. V. TEXAS
20-7357 JOHNSON, RAYMOND E. V. OKLAHOMA
20-7358 HARRIS, MARIANN V. NEVADA
20-7371 MARSH, CHASE A. V. FLEMING, WARDEN
20-7373 PAYNE, CHRISTOPHER M. V. ARIZONA
20-7375 WOOTEN, CHRISTOPHER V. PARKER, SHERIFF, ET AL.
20-7376 MARTIN, HOWARD E. V. OHIO
20-7379 MERCADO, MIGUEL A. V. FLORIDA
20-7391 TURNER, MARCUS A. V. GRAY, WARDEN
20-7392 WOODFORK, JAMES J. V. OKLAHOMA

20-7396 CALHOUN, MARLINA V. WALMART STORES EAST, LP
20-7397 KING, WILLIAM R. V. WINN, WARDEN
20-7403 LUNA, RICHARD V. TEXAS
20-7407 SOLAR-SOMOHANO, ALBERTO V. COCA-COLA CO., ET AL.
20-7411 JACKSON, DOUGLAS C. V. BEREAN, LEAH, ET AL.
20-7420 KILMAN, TOBI V. WILLIAMS, DIR., CO DOC
20-7424 DOUGLAS, ALAN V. SUPERIOR COURT OF CA
20-7426 WILLIAMS, RUBIN L. V. OHIO
20-7432 LUCIEN, KEVIN L. V. TEXAS
20-7433 CHAUDRON, RANDY P. V. TEXAS
20-7434 DAWES, WILLIAM V. CALIFORNIA
20-7435 KNICKERBOCKER, STEVEN G. V. WISCONSIN, ET AL.
20-7436 KNIGHT, FREDERICK D. V. FLORIDA
20-7440 SALAZAR, PAUL V. TEXAS
20-7443 SALU, ROTIMI, ET AL. V. MIRANDA, DENISE
20-7455 JONES, JEROMEY G. V. MONTANA
20-7462 KIRKLAND, ANTHONY V. OHIO
20-7463 JACKSON, CARLOS L. V. FLORIDA
20-7466 BURGETT, CHARLES L. V. GENERAL STORE NO TWO, ET AL.
20-7470 GUERRERO, PABLO R. V. NEVADA
20-7478 LEWIS, PAUL E. V. SOUTHERN CT STATE UNIV., ET AL.
20-7485 COOPER, WILBERN W. V. CHAPMAN, WARDEN
20-7512 COX, FORREST R. V. NEBRASKA
20-7513 JONES, LORETTA V. NYC POLICE DEPT., ET AL.
20-7534 TIJERINO-SEVILLA, LUIS A. V. GARLAND, ATT'Y GEN.
20-7539 JAMES, SCHENVISKY V. CAMPBELL, WARDEN
20-7557 NORA, WENDY A. V. OFFICE OF LAWYER REGULATION
20-7565 UDOH, EMEM U. V. GARLAND, ATT'Y GEN.

20-7566 CHAILLA, FLORENCE, ET VIR V. SAUL, ANDREW M., ET AL.
20-7569 HUNT, DEIDRE M. V. FLORIDA
20-7573 HARRIS, MERRICKIO D. V. NEBRASKA
20-7585 BOWSER, CHARLES D. V. KANSAS
20-7587 BRANDON, MICHELLE V. SAUL, ANDREW M.
20-7607 BURRIS, PERRY V. MASON, SUPT., MAHANAY, ET AL.
20-7623 DRAKE, MICHAEL E. V. PENNSYLVANIA
20-7625 ROSS, JAMES A. V. MYRICK, JOHN, ET AL.
20-7641 HAWKINS, BRIAN V. SHOOP, WARDEN
20-7644 HANSEN, SKIP V. KENTUCKY
20-7664 GREEN, JESSIE W. V. CHAPMAN, WARDEN
20-7672 GARCIA, JAMES M. V. UNITED STATES
20-7673 SLITER-MATIAS, ATTICUS V. UNITED STATES
20-7675 STROMING, JOHN G. V. UNITED STATES
20-7677 FUENTES-MORALES, JUAN M. V. UNITED STATES
20-7679 LUCAS, TROY A. V. UNITED STATES
20-7680 BEASLEY, JONATHAN V. UNITED STATES
20-7684 GLENN, RICHARD S. V. UNITED STATES
20-7689 WILMORE, HERVE V. UNITED STATES
20-7697 BERCKMANN, MATTHEW V. UNITED STATES
20-7702 SMITH, COVIA D. V. UNITED STATES
20-7703 ROBINSON, GARY L. V. UNITED STATES
20-7705 SERRANO, MARCO A. V. UNITED STATES
20-7707 LEDFORD, CHARLES M. V. UNITED STATES
20-7708 CASTRO ORELLANA, JOSE N. V. UNITED STATES
20-7709 HENRY, ALVIN V. UNITED STATES
20-7716 MOSLEY, MILTON V. UNITED STATES
20-7723 DAVIS, DANIELO V. UNITED STATES

20-7726 DAVIS, JAMES R. V. MUSSELWHITE, WARDEN
20-7728 SMEATON, KEITH V. UNITED STATES
20-7729 ROSE, CASEY V. UNITED STATES
20-7730 BROOKS, FENDI V. UNITED STATES
20-7737 FLEMING, MARJUAN S. V. UNITED STATES
20-7738 GRANT, ELMER W. V. UNITED STATES
20-7743 MILLIRON, WILLIAM V. UNITED STATES
20-7744 PRICE, MILLARD V. DELAWARE
20-7745 MYLES, RONALD R. V. UNITED STATES
20-7746 MENDOZA, MIGUEL A. V. UNITED STATES
20-7755 VEASEY, WILBERT J. V. UNITED STATES
20-7764 CARTER, JAMIL S. V. WINN, WARDEN
20-7767 ELLISON, ZONTA T. V. UNITED STATES
20-7773 JAIYEOLA, GANIYU A. V. TOYOTA MOTOR CORP., ET AL.
20-7775 SPANN, FITA E. V. UNITED STATES
20-7779 SHRADER, THOMAS C. V. UNITED STATES
20-7784 GOINS, BRYAN K. V. UNITED STATES
20-7785 GRAHAM, KEVINO V. UNITED STATES
20-7786 McCASKILL, OBIDIAH V. INCH, SEC., FL DOC, ET AL.
20-7793 LIRA ESTRADA, EDGAR I. V. UNITED STATES
20-7795 HUTCHINSON, ANTWAN L. V. UNITED STATES
20-7801 HERMAN, CODY L. V. UNITED STATES
20-7803 HALL, JONATHAN S. V. DELAWARE
20-7807 CLARK, WOODROW A. V. UNITED STATES
20-7838 VARGAS, EDWARD M. V. KOENIG, WARDEN

The petitions for writs of certiorari are denied.

20-888 ALI, ABDUL R. V. BIDEN, PRESIDENT OF U.S., ET AL.

The petition for a writ of certiorari is denied. Justice

Gorsuch and Justice Kavanaugh took no part in the consideration or decision of this petition.

20-1004 COLLIER, ROBERT V. DALLAS COUNTY HOSP. DIST.

The motion of Howard University School of Law Human and Civil Rights Clinic for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-1069 JANSSEN PHARMACEUTICALS, ET AL. V. A. Y., ET AL.

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

20-1227 WHITEHEAD, DAVID L. V. NETFLIX, INC., ET AL.

The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this petition.

20-1247 DIX, GERALD V. EDELMAN FINANCIAL, ET AL.

The petition for a writ of certiorari is denied. Justice Barrett took no part in the consideration or decision of this petition.

20-1317 MACINTYRE, HOLLY V. JPMORGAN CHASE BANK, N.A.

The petition for a writ of certiorari is denied. Justice Gorsuch took no part in the consideration or decision of this petition.

20-6448 DAVIS, EUGENE V. QUAY, WARDEN

20-6484 TYLER, WILLIE V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Alito took no part in the consideration or decision of these petitions.

20-7445 ALLEN, DERRICK M. V. SUNTRUST BANK, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

20-7550 BACCUS, JOHN R. V. SC DOC

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

20-7693 WILKINS, KEENAN G. V. JOKSCH, C., ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

20-7694 ESCOBAR DE JESUS, EUSEBIO V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

HABEAS CORPUS DENIED

20-7821 IN RE JOHN A. TOTH

20-7833 IN RE DEMARCUS WRIGHT

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

20-1266 IN RE IVAN R. MOORE, ET AL.

20-7518 IN RE JACK STONE
20-7753 IN RE DERRICK A. JOHNSON
20-7789 IN RE MICHAEL K. CIACCI

The petitions for writs of mandamus are denied.

20-1297 IN RE BARBARA RILEY
20-7352 IN RE HENRY L. RUDOLPH

The petitions for writs of mandamus and/or prohibition are denied.

20-7481 IN RE RAVI S. VAIDYANATHAN

The petition for a writ of mandamus is denied. The Chief Justice took no part in the consideration or decision of this petition.

20-7733 IN RE ANTWOYN T. SPENCER

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of mandamus is dismissed. See Rule 39.8.

REHEARINGS DENIED

19-8464 MITCHELL, JAMAL V. UNITED STATES
20-959 THIGPEN, ANGELA V. BD. OF TRUSTEES OF LOCAL 807
20-972 IBEABUCHI, IKEMEFULA C. V. EGGLESTON, DIR. OF OPERATION
20-1228 JAYE, CHRIS A. V. USDC ND IA
20-5814 WEBB, ANTHONY K. V. LUMPKIN, DIR., TX DCJ
20-6007 WRIGHT, WILLIAM H. V. UNITED STATES
20-6039 McBRIDE, EARL V. LUMPKIN, DIR., TX DCJ
20-6138 WALKER, JERRY V. KELLEY, DIR., AR DOC
20-6161 BRUNSON, JOEY L. V. UNITED STATES
20-6361 DAVIS, ROBERT L. V. INCH, SEC., FL DOC, ET AL.
20-6395 GRIFFITH, HOWARD V. NEW YORK

20-6440 TOSCANO, BENJAMIN K. V. ADAM, NANCY, ET AL.
20-6510 FORD, LAWRENCE W. V. BUDDE, ANITA L.
20-6673 DIEHL, DAVID A. V. UNITED STATES
20-6735 McCLUNG, FRANK A., ET UX. V. ESTEVEZ, ELIA E.
20-6751 WALDREP, ROGER D. V. SHINN, DIR., AZ DOC, ET AL.
20-6881 DOUGLAS, ALAN V. ZIMMERMAN, NANCY, ET AL.
20-6882 ZOU, BO V. LINDE ENGINEERING NORTH AMERICA
20-6999 BOUNCHANH, KANNHA V. WA HEALTH CARE AUTH., ET AL.

The petitions for rehearing are denied.

20-6835 HAMILTON, OTHA S. V. REAGLE, WARDEN

The petition for rehearing is denied. Justice Barrett took no part in the consideration or decision of this petition.

20-5808 IN RE ROGER LIVERMAN

The motion for leave to file a petition for rehearing is denied.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

JAMES CALVERT *v.* TEXAS

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF
CRIMINAL APPEALS OF TEXAS

No. 20–701. Decided May 17, 2021

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

Petitioner James Calvert was convicted in Texas of murdering his ex-wife. At sentencing, the State called David Logan, a former corrections officer. Logan testified in detail about an incident in which an inmate stabbed him in the eye with a pencil, leaving him blind in that eye. The State introduced a medical scan showing that the pencil traveled four inches into Logan’s brain before coming to rest against an artery. Logan was unsure why the inmate attacked him, but testified that if an inmate “has it on his mind to hurt you, there’s nothing you can do.” 2019 WL 5057268, *58 (Tex. Crim. App. 2019).

You may be asking what Calvert had to do with this gruesome incident. The answer is nothing. The State nonetheless argued that Logan’s testimony and brain scan were admissible because they revealed “an inmate’s opportunity for violence within the penitentiary.” 164 Record 20. “Do you think they can be controlled in the pen, these inmates?” the State rhetorically asked the jury in its closing argument. 171 *id.*, at 128. “Then you tell me why David Logan got a pencil stabbed into his brain.” *Ibid.* “Because of what happened to [Logan],” the State argued, Calvert “should get the death penalty.” 164 *id.*, at 19. At the jury’s recommendation, the trial court sentenced Calvert to death.

Calvert appealed. He argued that admission of the evidence about the inmate’s attack on Logan violated his right

Statement of SOTOMAYOR, J.

to individualized sentencing under the Eighth Amendment.¹ See *Woodson v. North Carolina*, 428 U. S. 280, 303 (1976) (plurality opinion) (capital sentencing proceedings must “allow the particularized consideration of relevant aspects of the [defendant’s] character and record”). The Texas Court of Criminal Appeals disagreed, holding that “[t]he individualized sentencing requirement is satisfied when the jury is able to consider and give full effect to a defendant’s mitigating evidence.” 2019 WL 5057268, *59. That requirement was satisfied here, the court concluded, because Calvert was not “prevented from presenting relevant mitigating evidence.” *Ibid.*

Calvert now asks this Court to grant certiorari.² In my view, Calvert raises a serious argument that the State’s reliance on a graphic instance of violence by an unrelated inmate to prove that he posed a future danger deprived him of his right to an individualized sentencing.

Despite this weighty question, I do not dissent from the decision to deny Calvert’s petition, because I agree that his claim does not meet the Court’s traditional criteria for

¹ Calvert also argued that admission of the evidence about the inmate’s attack on Logan violated the Texas Rules of Evidence. The Texas Court of Criminal Appeals agreed, but found the error harmless “because the State presented considerable admissible evidence of [Calvert’s] future dangerousness and the prison conditions in which he would be confined.” 2019 WL 5057268, *59 (2019).

² Calvert raises another claim based on courtroom deputies administering a 50,000-volt electric shock to him because of his failure to follow the court’s rule that he stand when addressing the court. While the Texas Court of Criminal Appeals agreed with Calvert that the incident violated due process, it denied relief, concluding that the error was not structural because it occurred outside of the presence of the jury and did not affect Calvert’s presumption of innocence or ability to participate in his defense at trial. *Id.*, at *9–*11. Although it may be appropriate for this Court to defer to the lower court’s factbound prejudice determination, I underscore how astonishing it is for a court to direct deputies to shock a defendant during trial. If there could ever be an excuse for such violence, enforcing courtroom decorum would not be it.

Statement of SOTOMAYOR, J.

granting certiorari. See this Court’s Rule 10. The legal question Calvert presents is complex and would benefit from further percolation in the lower courts prior to this Court granting review. Certainly, the law is not clear enough to warrant this Court summarily reversing the Texas Court of Criminal Appeals, as Calvert requests. See *Kansas v. Carr*, 577 U. S. 108, 123 (2016) (declining to “shoehorn . . . into the Eighth Amendmen[t]” a claim that the jury considered evidence that “clouded [its] consideration of mitigating evidence,” and suggesting such claims should be brought under the Due Process Clause); see also *Sears v. Upton*, 561 U. S. 945, 946 (2010) (*per curiam*) (summarily reversing because constitutional error was “plain from the face of the state court’s opinion”).

I write separately to emphasize that the denial of Calvert’s petition should not be construed as a rejection of his claim on the merits.³ Nor does the denial of certiorari suggest the Court approves of the State’s tactics. As the court below recognized, the gruesome attack on Officer Logan “had no connection” to Calvert. 2019 WL 5057268, *58. Indeed, the State introduced no evidence that Calvert “had attempted to attack or physically injure anyone” while incarcerated. *Ibid.* The State asked the jury to sentence Calvert to death in part because of a different person’s violent conduct that had nothing to do with Calvert. It succeeded. Although this case does not meet this Court’s traditional criteria for certiorari, it still stands as a grim reminder that courts should rigorously scrutinize how States prove that a person should face the ultimate penalty. Juries must have

³In addition to Calvert’s Eighth Amendment claim, the State’s conduct here may implicate due process. The introduction of irrelevant evidence can “so infec[t] the sentencing proceeding with unfairness as to render the jury’s imposition of the death penalty a denial of due process.” *Romano v. Oklahoma*, 512 U. S. 1, 12 (1994). The Court’s decision today should not be viewed as a rejection of the merits of that potential claim, either.

Statement of SOTOMAYOR, J.

a clear view of the “uniquely individual human beings” they are sentencing to death, *Woodson*, 428 U. S., at 304 (plurality opinion), not one tainted by irrelevant facts about other people’s crimes. The Constitution and basic principles of justice require nothing less.