(ORDER LIST: 607 U.S.)

MONDAY, NOVEMBER 24, 2025

ORDERS IN PENDING CASES

25A182 LANGAN, MORGAN J. V. DAVIS, CHIP, ET AL.

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

25A212 STRANGER, CRYSTAL V. CLEER LLC, ET AL.

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

25A249 GU, FEIFEI V. SHER, MICHAEL, ET AL.

The application for injunctive relief addressed to The Chief Justice and referred to the Court is denied.

25M34 PIZARRO, JUAN ANTONIO V. UNITED STATES

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

24-38 LITTLE, GOV. OF ID, ET AL. V. HECOX, LINDSAY, ET AL.

24-43 WEST VIRGINIA, ET AL. V. B. P. J.

The motions of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument are granted.

25-5055 MAROWITZ, ANDREW V. DOSTIE, CORY

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

25-5856 STEELE, CHERYL V. SALB, MICAH

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until December 15,

2025, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

24-1302 MSP RECOVERY CLAIMS, ET AL. V. LUNDBECK LLC, ET AL.

24-7252 LAMIZANA, ISSA L. V. LOUISIANA

24-7370 DAVIS, JONATHAN V. UNITED STATES

25-50 FITZHUGH, SHERIFF, ET AL. V. PATTON, BRADLEY

25-264 MURRAY, TREVOR V. UBS SEC., LLC, ET AL.

25-310 J.A. MASTERS INV., ET AL. V. BELTRAMINI, EDUARDO

25-315 SALYERS, SILAS V. WALKER, CLIFFORD B.

25-316 JILLA, KERLEE V. LUCAS-JILLA, LUZABELLE

25-317 ESTATE OF J. B., ET AL. V. MUSER, HOWARD, ET AL.

25-321 STENGEL, JEANETTE A. V. HEARTLAND BANK

25-322 KUPERSCHMIDT, DIMITRY V. ANGRADI, JEFF, ET AL.

25-329 JEAN-BAPTISTE, HAROLD V. DEPT. OF JUSTICE, ET AL.

25-330 DINGLE, EUGENE C. V. McGEE, JUDGE, ET AL.

25-336 FRANKLIN, ELSIE V. KENTUCKY

25-338 ATEBA, SIMON V. LEAVITT, KAROLINE, ET AL.

25-339 ATRAQCHI, MICHAEL, ET UX. V. UNITED STATES, ET AL.

25-340 STEPUP FUNNY, L.L.C. V. NEWSWEEK DIGITAL, L.L.C.

25-373 FARRINGTON, KIM A. V. DEPT. OF TRANSPORTATION

25-374 HARP, REBECCA I. V. BISIGNANO, COMM'R, SOCIAL SEC.

25-386 CAPEL, VONN, ET AL. V. PASCO COUNTY, FL, ET AL.

25-387 JACKSON, ANITA L. V. UNITED STATES

25-397 YORK, DELTON V. KUPOR, DIR., OPM

25-400 PT MEDISAFE TECHNOLOGIES V. USPTO

25-403 ANDERSON, KENNETH, ET AL. V. ESTRADA, CRYSTAL, ET AL.

25-414 THE SUNSHINE GROUP, LLC V. DANA POINT, CA, ET AL.

25-415 MIZELL, HAYWOOD J. V. WELLS FARGO BANK, N.A., ET AL.

25-431 CONARD, EALAILA V. CHANEL, INC.

25-450 PARKER, PAUL W. V. BNSF RAILWAY COMPANY

25-454 BIMBOW, ISMAEL V. UNITED STATES

25-455 TRAN, THANH C. V. LIBERTY MUTUAL GROUP INC., ET AL.

25-469 CARBAJAL-FLORES, HERIBERTO V. UNITED STATES

25-503 McMASTER, MATTHEW D. V. McCRACKEN, ARTHUR, ET AL.

25-526 BENY, LAURA V. UNIVERSITY OF MICHIGAN, ET AL.

25-5389 PITTS, STEVEN V. NEW YORK

25-5575 FOSTER, KEVIN D. V. DIXON, SEC., FL DOC

25-5663 BOUMAKH, BRAHIM V. REID, MICHELLE, ET AL.

25-5700 JACKSON, PATRICIA A. V. QIAN, JOHN X., ET AL.

25-5701 SCALES, WILLIAM V. HOTEL TRADES COUNCIL OF NY

25-5705 SMITH, JUA V. BAROMETRE, SUPT., OTISVILLE

25-5709 GROCE, FATEEN V. McGOLDRICK, DETECTIVE, ET AL.

25-5714 BAMBA, ABASS Y. V. USDC CO

25-5723 TOBIN, MATTHEW A. V. FLORIDA

25-5727 SMITH, AARON V. ILLINOIS

25-5728 SKINNER, JESSE M. V. LEE, R., ET AL.

25-5729 BROWNING, RAYLON V. GEORGIA

25-5735 FINK, CHEYENNE V. ARKANSAS

25-5738 WILSON, MARK H. V. FLORIDA

25-5739 ZONE, RADE Q. V. YOUTUBE, LLC, ET AL.

25-5741 CURRY, JEROME V. WALLACE, WARDEN, ET AL.

25-5742 CROUCH, ZACHARY C. V. UNIV. OF TN

25-5809 VAN DURMEN, ANTHONY L. V. MORRISON, WARDEN

25-5871 ALSTAD, ISAIAH S. V. UNITED STATES

25-5877 SMITH, SAMSON D. X. V. UNITED STATES

25-5878 CURRY, DETRAYOUS D. V. UNITED STATES

25-5883 TATE, LEONARD J. V. UNITED STATES

25-5892 WERK, DANIEL J. V. UNITED STATES

25-5893 HILL, FREDERICK M. V. STUFF, WARDEN

25-5896 PASCHAL, SHAWN T. V. UNITED STATES

25-5897 BURCH, JOHN R. V. UNITED STATES

25-5898 BOBB, JEREMIAH V. UNITED STATES

25-5899 MARECHALE, MICHAEL K. V. UNITED STATES

25-5902 SIMPSON, RAMON V. UNITED STATES

25-5904 RAY, LAWRENCE V. UNITED STATES

25-5905 VALLE-RAMIREZ, ANTONIO V. UNITED STATES

25-5906 CERDA, ALFREDO R. V. JENKINS, WARDEN, ET AL.

25-5913 SUNCAR, RASHUN R. V. UNITED STATES

25-5917 DRUM, THOMAS A. V. UNITED STATES

25-5918 PAGE, TOMMIE L. V. MISSISSIPPI

25-5921 BREWER, FREDERICK L. V. UNITED STATES

25-5922 HERNANDEZ-CARRASQUILLO, VICTOR V. UNITED STATES

25-5924 MONROE, LENNARD R. V. UNITED STATES

25-5925 JENKINS, TRACY V. UNITED STATES

25-5927 DOWNEY, CHASE R. V. UNITED STATES

25-5933 DENNIS, WILLIE V. UNITED STATES

25-5937 SIMMS, TIMOTHY V. SPATNY, WARDEN

25-5938 SANTIAGO-CRUZ, MANUEL V. UNITED STATES

25-5944 HIGHTOWER, CHOCKIE L. V. UNITED STATES

25-5947 WICKWARE, DARRELL V. UNITED STATES

25-5951 MOON, RONALD T. Y. V. UNITED STATES

25-5989 LI, CHIAN C. V. APPLE, INC.

25-5993 PIERCE, ROBERT S. V. GODFREY, DEMETRIC, ET AL.

25-6001 GIESE, CHARLES C. V. BORLA, WARDEN

The petitions for writs of certiorari are denied.

25-208 DE TRUST CO. V. AD HOC GROUP, ET AL.

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

25-367 HARPER, TODD M., ET AL. V. BESSENT, SEC. TREASURY, ET AL.

The petition for a writ of certiorari before judgment is denied.

25-5733 SMITH, SAMUEL L. V. VALDIVIA, JESUS, 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.

HABEAS CORPUS DENIED

25-5992 IN RE ROGER L. McCLUER

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

25-5686 IN RE FRANCISCO R. RUIZ

25-5702 IN RE JUSTIN P. SULZNER

25-5954 IN RE MICHAEL A. FOCIA

The petitions for writs of mandamus are denied.

25-5715 IN RE DANIEL E. HALL

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. 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*).

25-5725 IN RE DAVID C. WHITE

25-5726 IN RE DAVID C. WHITE

25-5808 IN RE DAVID C. WHITE

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

25-5736 IN RE AHMAD ALJINDI

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

24-1126 AVON CAPITAL, LLC V. UNIVERSITAS ED., LLC

24-1253 WILLIAMS, DARRELL E. V. PROMEDICA HEALTH SYS., ET AL.

24-1293 McALPIN, BRETT M. V. UNITED STATES

24-6605 TUCKER, ERIC S. V. TEXAS

24-7142 HANNA, SAAD V. NELSON, KIMBERLY A., ET AL.

24-7331 FARMER, JEREMIAH S. V. UNITED STATES

24-7374 ANDERSON, CHAYCE A. V. COLORADO

25-35 IN RE RAYMOND J. FALLICA

25-5143 TAYLOR, MARY L. V. MICHIGAN, ET AL.

25-5187 LEWIS, SHANTELL V. CASTRO, HERNAN, ET AL.

The petitions for rehearing are denied.

Per Curiam

SUPREME COURT OF THE UNITED STATES

JEFFREY CLYDE PITTS *v.* MISSISSIPPI

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF MISSISSIPPI

No. 24–1159. Decided November 24, 2025

PER CURIAM.

Ordinarily, the Sixth Amendment's Confrontation Clause "guarantees the defendant a face-to-face meeting with witnesses appearing before the trier of fact." *Coy* v. *Iowa*, 487 U. S. 1012, 1016 (1988). In child-abuse cases, however, that rule sometimes gives way. Consistent with the Sixth Amendment, a court may screen a child witness from the defendant when "necessary to protect [the child] from trauma that would be caused by testifying in the physical presence of the defendant, at least where such trauma would impair the child's ability to communicate." *Maryland* v. *Craig*, 497 U. S. 836, 857 (1990).

Still, before invoking this procedure, a court must proceed with care. It must "hear evidence" and make a "case-specific" finding of "[t]he requisite . . . necessity." *Id.*, at 855. Simply pointing to a state statute that authorizes screening, even one premised on "generalized finding[s]" of necessity, will not suffice. *Coy*, 487 U. S., at 1021. Because the Mississippi Supreme Court departed from these principles, we reverse.

I

In May 2020, A. G. C. spent a weekend visiting her father, Jeffrey Pitts. After returning home, A. G. C. told her mother that she had been sexually abused. Eventually, that report led to criminal charges against Pitts.

At trial, the State moved for permission to place a screen between A. G. C. and Pitts when she took the witness stand. In support of its motion, the State pointed to a

Mississippi statute providing that child witnesses "shall have the . . . righ[t]" to "a properly constructed screen that would permit the judge and jury in the courtroom . . . to see the child but would obscure the child's view of the defendant." Miss. Code Ann. §99–43–101(2)(g) (2020).

Pitts objected. He did not question the statute's mandatory terms. But, he said, those terms had to give way to the Sixth Amendment's demands. 405 So. 3d 20, 31 (Miss. App. 2023). And, he submitted, the State had not attempted to meet, and could not meet, its Sixth Amendment burden of showing that screening was necessary in the particular circumstances of his case. 405 So. 3d 1238, 1243 (Miss. 2025).

The trial judge granted the State's motion. In doing so, the judge reasoned that the "statute . . . appears to be mandatory," and expressed "concerns about [his] ability to declare the statute unconstitutional and fail to follow it." App. to Pet. for Cert. 36a (App.).

After a jury convicted him, Pitts appealed. 405 So. 3d, at 31. Invoking *Coy* and *Craig*, he argued that the trial court had failed to make the case-specific finding of necessity the Sixth Amendment requires and, as remedy, sought a new trial. 405 So. 3d, at 31–35.

Ultimately, a divided Mississippi Supreme Court rejected Pitts's arguments. The court did not dispute that the trial court failed to make a case-specific finding of necessity. See 405 So. 3d, at 1246. Instead, the court sought to distinguish *Coy* and *Craig* on various grounds. 405 So. 3d, at 1248–1252. With those distinctions in hand, the court then proceeded to hold that Mississippi's mandatory statute provided sufficient authority for the screening in this case. *Id.*, at 1254–1255. Unpersuaded, a dissent argued that *Coy* and *Craig* controlled this case and that the trial court failed to comply with their terms. 405 So. 3d, at 1255 (King, J., dissenting).

After the Mississippi Supreme Court ruled, Pitts sought certiorari.

II

Under *Coy* and *Craig*, a trial court may not deny a defendant his Sixth Amendment right to meet his accusers face to face simply because a state statute permits screening. Nor may a court authorize screening based on "generalized finding[s]" of necessity underlying such a statute. *Coy*, 487 U. S., at 1021. Instead, the Sixth Amendment tolerates screening in child-abuse cases only if a court "hear[s] evidence" and issues a "case-specific" finding of "[t]he requisite . . . necessity." See *Craig*, 497 U. S., at 855. The Mississippi Supreme Court attempted to avoid these constraints by distinguishing *Coy* and *Craig* in various ways. But none of the court's distinctions persuades. Consider the most salient theories it pressed:

First, the court pointed to a victims' rights provision in Mississippi's State Constitution. 405 So. 3d, at 1246–1249. That provision affords the state legislature the power "to enact . . . laws to . . . protect the rights guaranteed to victims." Art. 3, §26A(3). And, the court observed, the state legislature exercised this power when it adopted the mandatory screening law the trial court applied in this case. 405 So. 3d, at 1249. But, true as all that may be, it is also irrelevant. When state law conflicts with the Federal Constitution, the latter controls. Art. VI, cl. 2. And under the Sixth Amendment, neither state screening statutes, nor the "generalized finding[s]" on which they are premised, are enough to overcome a defendant's right to face-to-face confrontation. *Coy*, 487 U. S., at 1021.

Second, the court stressed that Mississippi's statute mandates screening in child-abuse cases while the Iowa statute in *Coy* only afforded trial courts discretion to screen. 405 So. 3d, at 1249–1250. But, if anything, the fact that Mississippi's statute is mandatory—and thus *never* requires a case-specific finding of necessity—renders it "more

constitutionally problematic than the statute at issue in *Coy*, not less so." *Id.*, at 1258 (King, J., dissenting).

Third, the court emphasized that A. G. C. was four years old at the time of trial. *Id.*, at 1250 (majority opinion). But *Craig* involved a 6-year-old witness. 497 U. S., at 840. And though a witness's age is a relevant consideration, *Craig* made plain that a court must "hear evidence" and make a "case-specific" "finding of necessity" before denying a defendant the right to face-to-face confrontation in a child-abuse case. See *id.*, at 855.

Fourth, the court observed that in *Coy* the government and the defendant disputed who committed the alleged assault, while in this case the identity of the alleged perpetrator was not in question. 405 So. 3d, at 1250. But the Sixth Amendment right to confront one's accusers face to face does not only apply in cases where identity is at issue. See *Craig*, 497 U. S., at 840 (involving a known perpetrator). Nor does *Craig*'s exception for child-abuse cases automatically apply just because identity happens to be uncontested. See *id.*, at 855–856.

Finally, the court noted that the child witness and lawyers in *Craig* were placed in a different room from the defendant, with cross-examination conducted over closed-circuit television. 405 So. 3d, at 1251. In this case, by contrast, everyone remained in the courtroom, the witness and defendant separated only by a screen. *Id.*, at 1244, 1251. But both approaches deviate from the Sixth Amendment's usual rule that a defendant is entitled to meet his accusers "face to face." See *Coy*, 487 U. S., at 1016; *Craig*, 497 U. S., at 844. And both thus require a case-specific finding of necessity. *Id.*, at 855.

Before this Court, the State does not so much defend the Mississippi Supreme Court's various efforts to distinguish *Coy* and *Craig* as press a different argument still. As the State sees it, the trial court *did* "hear evidence" and make

a "case-specific" "finding of necessity." See *Craig*, 497 U. S., at 855.

We disagree. At trial, to be sure, the prosecution represented that A. G. C.'s guardian believed it would be difficult for her to testify face to face with her father. App. 6a. But the prosecution expressly rejected the notion that it had "to put on any proof," choosing to rely instead on Mississippi's mandatory "right" to screening. *Id.*, at 6a–7a. And the trial judge proceeded to rule that the "statute . . . appears to be mandatory" and expressed concerns about "fail[ing] to follow it." *Id.*, at 36a. Those arguments and conclusions fall well short of the procedures and findings *Coy* and *Craig* require.

III

Having resolved that much, we pause to underscore what we leave unresolved. Just because a constitutional error took place at trial does not necessarily mean a new one must be held. Even constitutional errors are sometimes subject to a "harmless-error" rule and do not require a new trial if the prosecution can show "beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained." *Chapman* v. *California*, 386 U. S. 18, 23–24 (1967). This Court has held that the denial of the right to face-to-face confrontation is among those errors "subject to that harmless-error analysis." *Coy*, 487 U. S., at 1021. Accordingly, on remand the State remains free to argue, and the Mississippi Supreme Court remains free to consider, whether the error in this case warrants a new trial under the harmless-error standard.

The petition for certiorari is granted, the judgment of the Mississippi Supreme Court is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

Per Curiam

SUPREME COURT OF THE UNITED STATES

TERENCE CLARK, DIRECTOR, PRINCE GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS, ET AL.
v. JEREMIAH ANTOINE SWEENEY

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 25–52. Decided November 24, 2025

PER CURIAM.

A Maryland jury found Jeremiah Sweeney guilty of second-degree murder and several other crimes. Sweeney's convictions were affirmed on appeal, and his bid for post-conviction relief in state court was unsuccessful. Sweeney sought habeas relief in Federal District Court, and that court, too, denied relief. But the Fourth Circuit reversed and ordered a new trial, relying on a claim that Sweeney never asserted. Because the Court of Appeals departed dramatically from the principle of party presentation, we reverse.

I

According to the State's witnesses at trial, Jeremiah Sweeney was arguing one night with neighbors about stolen marijuana. He eventually opened fire, missing his intended targets but killing a bystander who was about 75 yards away. At issue during trial was whether Sweeney could have been the shooter given his location and the angle of the bullet wound.

After the State rested its case, Juror 4's curiosity got the best of him, and he decided to check out the crime scene for himself. Shortly after jury deliberations began, Juror 4 told the jury about his visit, and the jury promptly reported his visit to the court. The parties conferred and eventually agreed that rather than declare a mistrial, the court would dismiss Juror 4 and deliberations would proceed with 11

jurors. Sweeney was convicted, and his convictions were affirmed on direct appeal.

Sweeney later filed a petition for postconviction relief in state court. He argued, among other things, that his trial counsel was ineffective under *Strickland* v. *Washington*, 466 U. S. 668, 686 (1984), for not seeking to *voir dire* the entire jury to ensure that no other juror was tainted by Juror 4's unauthorized crime-scene visit. The state court denied relief after a hearing. With the help of appointed counsel, Sweeney then petitioned for a writ of habeas corpus under 28 U. S. C. §2254 in Federal District Court. As in state court, Sweeney argued that his trial counsel was ineffective for not seeking to *voir dire* the entire jury. The District Court denied Sweeney's petition, concluding that the state court's application of *Strickland* was not objectively unreasonable.

In an unpublished opinion, the Fourth Circuit reversed—but not on the ineffective-assistance claim that Sweeney brought. Instead, the Fourth Circuit declared that Sweeney's trial was marred by a "combination of extraordinary failures from juror to judge to attorney" that deprived Sweeney of his right to be confronted with the witnesses against him and his right to trial by an impartial jury. App. to Pet. for Cert. 22a, 29a. That error, the Court of Appeals concluded, entitled Sweeney to a new trial. Judge Quattlebaum dissented, criticizing the majority for "flout[ing]" traditional principles of party presentation. *Id.*, at 99a–103a.

II

"In our adversarial system of adjudication, we follow the principle of party presentation." *United States* v. *Sineneng-Smith*, 590 U. S. 371, 375 (2020). The parties "'frame the issues for decision,'" while the court serves as "'neutral arbiter of matters the parties present.'" *Ibid.* (quoting *Greenlaw* v. *United States*, 554 U. S. 237, 243 (2008)). To put it

plainly, courts "call balls and strikes"; they don't get a turn at bat. *Lomax* v. *Ortiz-Marquez*, 590 U. S. 595, 599 (2020).

The Fourth Circuit transgressed the party-presentation principle by granting relief on a claim that Sweeney never asserted and that the State never had the chance to address. Sweeney asserted "one, and only one," claim in his federal habeas petition: that his counsel was ineffective for failing to investigate whether other jurors had been prejudiced by Juror 4's crime-scene visit. App. to Pet. for Cert. 53a (Quattlebaum, J., dissenting). Instead of ruling on that claim, the Fourth Circuit devised a new one, based on a "combination of extraordinary failures from juror to judge to attorney." *Id.*, at 22a. The Fourth Circuit's "radical transformation" of Sweeney's simple ineffective-assistance claim "departed so drastically from the principle of party presentation as to constitute an abuse of discretion." *Sineneng-Smith*, 590 U. S., at 380, 375. We accordingly reverse the judgment of the Fourth Circuit and remand the case for further proceedings.

On remand, the Fourth Circuit should analyze the ineffective-assistance claim that Sweeney asserted. Under the Antiterrorism and Effective Death Penalty Act of 1996, relief is barred unless the state court's decision was "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." 28 U. S. C. §2254(d). When assessing a *Strickland* claim that a state court has already adjudicated, the "analysis is 'doubly deferential.'" *Dunn* v. *Reeves*, 594 U. S. 731, 739 (2021) (*per curiam*) (quoting *Burt* v. *Titlow*, 571 U. S. 12, 15 (2013)). "[A] federal court may grant relief only if *every* 'fairminded jurist' would agree that *every* reasonable lawyer would have made a different decision." 594 U. S., at 739–740 (quoting *Harrington* v. *Richter*, 562 U. S. 86, 101 (2011)).

Per Curiam

The petition for certiorari is granted, the judgment of the Fourth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

KARI BECK, PERSONAL REPRESENTATIVE OF THE ESTATE OF CAMERON GAYLE BECK, ET AL. *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 24–1078. Decided November 24, 2025

The petition for a writ of certiorari is denied. JUSTICE GORSUCH would grant the petition for a writ of certiorari.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

As my colleague rightly explains, *Feres* v. *United States*, 340 U. S. 135 (1950), is a difficult decision to justify. See *post*, at 3–5 (THOMAS, J., dissenting from denial of certiorari). Since it was decided 75 years ago, *Feres*'s atextual expansion of the Federal Tort Claims Act (FTCA), 28 U. S. C. §2671 *et seq*., has garnered near-universal criticism; has caused significant confusion; and has deprived servicemembers and their families of redress for serious harms they have suffered during service to this country. *Post*, at 3–5, 7–8. Like in this case, *Feres* has worked such harms even in circumstances far removed from the expected risks of military service. It has, for example, barred recovery for claims arising from medical malpractice, sexual assault, and (as here) car accidents, even when those harms occur on U. S. soil, bear little relation to the military itself, and just as easily could have befallen any American civilian. See *Feres*, 340 U. S., at 137; *post*, at 7–8.

Even so, out of respect for the Court's rules of *stare decisis*, and in recognition of the reliance interests that *Feres* has generated, I vote to deny this petition for a writ of certiorari. Beyond the "special justification" that is needed to overrule any of our precedents, *stare decisis* has "enhanced

force" on questions of statutory interpretation. *Kimble* v. *Marvel Entertainment, LLC*, 576 U. S. 446, 456 (2015). That is because, unlike with decisions of constitutional dimension, "Congress exercises primary authority" over statutory questions "and 'remains free to alter what we have done.'" *Michigan* v. *Bay Mills Indian Community*, 572 U. S. 782, 799 (2014); see *Global-Tech Appliances, Inc.* v. *SEB S. A.*, 563 U. S. 754, 765 (2011) (explaining the "'"special force"' . . . of *stare decisis* with regard to questions of statutory interpretation"). This "respect for Congress's decision not to intervene promotes the separation of powers by requiring interested parties to resort to the legislative rather than the judicial process to achieve their policy goals." *Groff* v. *DeJoy*, 600 U. S. 447, 474–475 (2023) (SOTOMAYOR, J., concurring). Moreover, the "justification for statutory *stare decisis* is especially strong" when Congress has considered but "spurned multiple opportunities to reverse" the Court's interpretation of a statute. *Id.*, at 475.

That is the case here. Congress has often considered legislation that would overrule or limit the *Feres* doctrine. See, *e.g.*, H. R. 1517, 112th Cong., 1st Sess., §4 (2011); S. 1347, 111th Cong., 1st Sess., §2 (2009); H. R. 2684, 107th Cong., 1st Sess., §1 (2001); S. 347, 100th Cong., 1st Sess. (1987). Indeed, Congress most recently did so in 2019, see S. 1790, 116th Cong., 1st Sess., §729 (amendment as passed in the House), but ultimately decided to provide payments for certain service-related medical-malpractice claims under the Military Claims Act rather than the FTCA, see National Defense Authorization Act for Fiscal Year 2020, §731, 133 Stat. 1457–1460, 10 U. S. C. §2733a.

Congress, therefore, is "undoubtedly aware of" the problems posed by *Feres* and "can change [*Feres*] if it likes." *Allen* v. *Milligan*, 599 U. S. 1, 39 (2023). "[U]ntil and unless it does, statutory *stare decisis* counsels our staying the course." *Ibid.* I write, however, to underscore that this important issue deserves further congressional attention,

without which *Feres* will continue to produce deeply unfair results like the one in this case and the others discussed in JUSTICE THOMAS's dissenting opinion. See *post*, at 7–8.

SUPREME COURT OF THE UNITED STATES

KARI BECK, PERSONAL REPRESENTATIVE OF THE ESTATE OF CAMERON GAYLE BECK, ET AL. *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 24–1078. Decided November 24, 2025

JUSTICE THOMAS, dissenting from denial of certiorari.

Air Force Staff Sergeant Cameron Beck was struck and killed by a civilian Government employee driving a Government vehicle. His surviving wife sued the Government under the Federal Tort Claims Act, 28 U. S. C. §2671 *et seq*., which waives the Government's immunity for certain tort claims. The lower courts dismissed her claim based on an expansive reading of the *Feres* doctrine, a "judicially created" FTCA exception for injuries incident to military service. *Stencel Aero Engineering Corp.* v. *United States*, 431 U. S. 666, 674 (1977) (Marshall, J., dissenting) (citing *Feres* v. *United States*, 340 U. S. 135 (1950)). I have long called for overruling *Feres*, which lacks any basis in the FTCA's text. But we did not need to overrule *Feres* to get this case right because Staff Sergeant Beck was not killed incident to military service at all. He was killed in Missouri while off duty and going home to eat lunch with his family.

We should have granted certiorari. Doing so would have provided clarity about *Feres* to lower courts that have long asked for it. It would have resolved a Circuit split over whether, in applying *Feres*, courts should give special consideration to circumstances that implicate sensitive military affairs. And it would have allowed Staff Sergeant Beck's widow to recover for her husband's wrongful death consistent with both the FTCA and our precedent. I respectfully dissent from the denial of certiorari.

I

On April 15, 2021, Air Force Staff Sergeant Cameron Beck was off duty at Whiteman Air Force Base in Missouri and riding his motorcycle home for lunch with his family. A civilian federal employee driving a Government-issued van was distracted on her phone and turned in front of Beck. They collided, and Beck died at the scene. She was charged with criminal negligence. The driver pleaded guilty and later said that the accident was "'100 percent'" her fault. Record in No. 4:23–cv–00255 (WD Mo.), ECF Doc. 23–1, p. 2.

Kari Beck, for herself and her son, sued the driver's employer for the wrongful death of her husband in what ordinarily would have been an open-and-shut wrongful-death case. But in this case, the employer was the United States, which generally enjoys sovereign immunity from suit. Eighty years ago, Congress recognized this problem and expressly waived sovereign immunity in cases like this. The FTCA provides that the "United States shall be liable" for tort claims "in the same manner and to the same extent as a private individual under like circumstances," including in cases where "death was caused." 28 U. S. C. §2674.

The Government moved to dismiss Mrs. Beck's wrongful-death suit on the ground that the United States nonetheless was entitled to sovereign immunity. The District Court granted the Government's motion, and the Eighth Circuit affirmed. 125 F. 4th 887, 889 (2025). The dismissal relied on this Court's decision in *Feres*, which interpreted the FTCA to immunize the Government for injuries "incident to military service." 340 U. S., at 144. Mrs. Beck petitioned for review in this Court. Today, the Court denies her petition, so Mrs. Beck will recover nothing in tort for her husband's wrongful death.

II

A

The FTCA's text does not compel the denial of relief to Mrs. Beck. The FTCA makes the United States liable in tort "in the same manner and to the same extent as a private individual under like circumstances." §2674. The FTCA includes a military exception, but it applies only to claims arising out of "combatant activities . . . during time of war." §2680(j). It is inconceivable that driving home for lunch with one's family while off duty can be characterized as a wartime combatant activity. So, the exception does not apply in this case.

Instead, the lower courts dismissed Mrs. Beck's suit because of a broader exception that this Court created in *Feres*. According to *Feres*, the FTCA's waiver of sovereign immunity does not apply in any cases "where the injuries arise out of or are in the course of activity incident to [military] service," regardless of whether they arise out of wartime combatant activities. 340 U. S., at 146.

Feres did not base this doctrine on the text of the FTCA. It acknowledged that the FTCA's "exceptions might . . . imply inclusion of claims" involving servicemen, *id.*, at 138, because it excepts claims arising out of "combatant activities . . . during time of war," but not peacetime, §2680(j). It noted that earlier proposed versions of the FTCA almost invariably "expressly denied recovery to members of the armed forces; but the [FTCA] made no exception." *Id.*, at 139. And it admitted that the FTCA "contemplate[s] that the Government will sometimes respond for negligence of military personnel," *id.*, at 138, because it contemplates suits premised on the actions of "members of the military or naval forces" who "ac[t] in [the] line of duty," §2671.

The Government also recognized that the text posed a problem for its view. Shortly before *Feres*, it "conceded" that the FTCA's "language is sufficiently broad to cover" "claims arising out of the injury or death of members of the

armed forces . . . , and would *doubtless* do so in the absence of" extratextual considerations. Brief for United States in *Brooks* v. *United States*, O. T. 1948, No. 388 etc., p. 10 (emphasis added). And in *Feres* itself, the Government urged the Court to overlook the FTCA's "broad language" and instead base its decision on "consequences." Brief for United States in *United States* v. *Griggs*, O. T. 1950, No. 31, p. 19; see *Feres*, 340 U. S., at 136–138. In other words, if the enacted text controlled, there would be no *Feres* doctrine excepting injuries incident to service.

Over time, the Court has offered shifting policy rationales for the *Feres* doctrine. See *Carter* v. *United States*, 604 U. S. ___, ___ (2025) (THOMAS, J., dissenting from denial of certiorari) (slip op., at 3–4). In its last word on *Feres* more than 38 years ago, the Court settled on three. See *United States* v. *Johnson*, 481 U. S. 681, 688–691 (1987). First, "[t]he relationship between the Government and members of its armed forces is distinctively federal in character." *Id.*, at 689 (internal quotation marks omitted; alteration in original). Second, the availability of "statutory disability and death benefits" counsels against tort relief. *Ibid.* And third, suits falling within the exception "are the *type[s]* of claims that, if generally permitted, would involve the judiciary in sensitive military affairs at the expense of military discipline and effectiveness." *Id.*, at 690 (internal quotation marks omitted; alteration in original). The Government took the position that this third rationale is "the primary basis for the *Feres* doctrine." Brief for United States in *United States* v. *Johnson*, O. T. 1986, No. 85–2039, p. 6 (Johnson Brief).

The *Feres* doctrine has been "almost universally condemned by judges and scholars." *Carter*, 604 U. S., at ___ (opinion of THOMAS, J.) (slip op., at 5). Its three policy rationales do not make sense even on their own terms. *Id.*, at ___ (slip op., at 5–8). I have therefore long called for us to revisit *Feres*. See *Clendening* v. *United States*, 598 U. S.

___ (2022) (THOMAS, J., dissenting from denial of certiorari); *Doe* v. *United States*, 593 U. S. ___ (2021) (same); *Daniel* v. *United States*, 587 U. S. 1020 (2019) (same); *Lanus* v. *United States*, 570 U. S. 932 (2013) (same). I continue to believe that we should.

B

But we did not have to overrule *Feres* to grant certiorari and reverse here. Applying the doctrine's existing limits, Staff Sergeant Beck's death did not "arise out of . . . activit[ies] incident to" his military service, so *Feres* did not bar Mrs. Beck's suit. 340 U. S., at 146. The Court of Appeals acknowledged that Staff Sergeant Beck was "killed during off-duty hours" and that his death "arose out of nonmilitary activities." 125 F. 4th, at 891. *Feres* itself distinguished cases in which the injured serviceman was "under compulsion of no orders or duty" and was "on no military mission." 340 U. S., at 146. Beck was not ordered on a military mission to go home for lunch with his family. So Mrs. Beck should have prevailed under *Feres*.

If *Feres* itself were not enough, the Court of Appeals' conclusion also conflicts with another of this Court's precedents. In *Brooks* v. *United States*, 337 U. S. 49, 50 (1949), decided a year before *Feres*, an off-duty serviceman driving with his family was struck and killed by a civilian Government employee driving a Government truck. This Court held that the suit could proceed under the FTCA. *Id.*, at 51. *Feres* did not overrule *Brooks*. On the contrary, they both asked whether the injury was "incident" to military service. See *Brooks*, 337 U. S., at 52; *Feres*, 340 U. S., at 146. If the Court does not want to overrule its precedents in this area, it should at least be willing to enforce them.*

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*Therefore, although I agree with JUSTICE SOTOMAYOR that *Feres* "is a difficult decision to justify," I respectfully disagree that "respect for the Court's rules of *stare decisis*" is a reason to deny the petition. See *supra*,

Feres's policy rationales and this Court's later *Feres* precedents do not support immunizing the Government in this case either. This case does not implicate "the primary basis for the *Feres* doctrine": "bar[ring] suits that 'would involve the judiciary in sensitive military affairs.'" Johnson Brief 6. This Court has said that *Feres* is "best explained by the peculiar and special relationship of the soldier to his superiors, the effects of the maintenance of such suits on discipline, and the extreme results that might obtain if suits . . . were allowed for . . . negligent acts committed in the course of military duty." *United States* v. *Shearer*, 473 U. S. 52, 57 (1985) (internal quotation marks omitted). For that reason, "[t]he rule enunciated in *Feres* allows suit in most cases having no likely effect on military discipline and effectiveness." Johnson Brief 20. This is one such case: Mrs. Beck's allegation that a civilian governmental employee accidentally crashed into her husband does not "cal[l] into question basic choices about the discipline, supervision, and control of a serviceman." *Shearer*, 473 U. S., at 58.

The Court of Appeals placed significant emphasis on facts that should not establish immunity. It "pu[t] no special weight on whether resolution would involve the judiciary in sensitive military affairs" or scrutinize "military decision-making." 125 F. 4th, at 891. Instead, it emphasized that Staff Sergeant "Beck was injured on-Base, while on active duty, and subject to immediate recall." *Ibid*. But this Court has explained that "the situs of the [injury] is not nearly as important as whether the suit requires the civilian court to second-guess military decisions, and whether the suit might impair essential military discipline." *Shearer*, 473 U. S., at 57 (citation omitted). And, on that point, the Court of Appeals did not deny that "resolution of this ordinary negligent-driving action would not require a court to

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at __ (statement of Sotomayor, J.). The Court could have reversed here without overruling *Feres* or any other decision of this Court.

scrutinize or second guess military decision-making." 125 F. 4th, at 891. Further, the Court of Appeals emphasized that "Plaintiffs were entitled to military benefits." *Ibid.* But this Court has long held that "[p]rovisions in other statutes for disability payments to servicemen, and gratuity payments to their survivors, indicate no purpose to forbid tort actions under the Tort Claims Act" when it is otherwise evident that the injuries were not "incident to . . . service." *Brooks*, 337 U. S., at 52–53 (citation omitted).

C

Lower courts are asking us for guidance on the *Feres* doctrine. They "have reached the unhappy conclusion that the cases applying the *Feres* doctrine are irreconcilable." *Costo* v. *United States*, 248 F. 3d 863, 867 (CA9 2001). They have told us that the *Feres* doctrine is now "an extremely confused and confusing area of law." *Taber* v. *Maine*, 67 F. 3d 1029, 1038 (CA2 1995); see also *Ortiz* v. *United States*, 786 F. 3d 817, 822 (CA10 2015) (Tymkovich, J.) ("With all of this confusion and lack of uniform standards, it comes as no surprise that the *Feres* doctrine . . . has received steady disapproval from the Supreme Court on down"). And they have called its outcomes "counter-intuitive," *Richards* v. *United States*, 176 F. 3d 652, 657 (CA3 1999), "unjust[,] and unwarranted," *Cutshall* v. *United States*, 75 F. 3d 426, 429 (CA8 1996). As I have explained, it is unsurprising that, with its atextual roots and vague rationales, "[t]he *Feres* doctrine cannot be reduced to a few bright-line rules" and has thus left courts in disarray. *Shearer*, 473 U. S., at 57; see also *Carter*, 604 U. S., at ___ (opinion of THOMAS, J.) (slip op., at 9) (collecting decisions).

The confusion in the lower courts has created a "split on whether and how to take into account the three policy justifications . . . that this Court [has] articulated" for the *Feres* doctrine. *Carter*, 604 U. S., at ___ (slip op., at 11); see *Ortiz*, 786 F. 3d, at 820–823. The Fourth and Ninth

Circuits "focus primarily" on whether the suit "would call into question military discipline and decisionmaking." *Carter*, 604 U. S., at ___ (slip op., at 11) (citing *Clendening*, 19 F. 4th, at 427; *Ritchie* v. *United States*, 733 F. 3d 871, 874–875 (CA9 2013); internal quotation marks omitted)). By contrast, the Eighth Circuit in Mrs. Beck's case put "no special weight on whether resolution would involve the judiciary in sensitive military affairs." 125 F. 4th, at 891. Other circuits, meanwhile, "do not consider 'the presence or absence of the [three] *Feres* rationales' *at all*." *Carter*, 604 U. S., at ___ (slip op., at 11) (alteration in original) (citing *Tootle* v. *USDB Commandant*, 390 F. 3d 1280, 1282 (CA10 2004)).

"These differing approaches have led to divergent outcomes in factually similar cases." 604 U. S., at ___ (slip op., at 12). The Circuits have split on whether "sexual assault by another soldier" falls within the *Feres* doctrine. *Ibid.* (citing *Doe* v. *Hagenbeck*, 870 F. 3d 36, 49–50 (CA2 2017) (yes); *Spletstoser* v. *Hyten*, 44 F. 4th 938, 958–959 (CA9 2022) (no)). They have split on whether "injuries arising during recreational activities with military-owned equipment" fall within the *Feres* doctrine. 604 U. S., at ___ (slip op., at 12) (citing *Costo*, 248 F. 3d, at 864 (yes); *Regan* v. *Starcraft Marine, LLC*, 524 F. 3d 627, 645–646 (CA5 2008) (no)). And, after the Eighth Circuit's application of *Feres* here, they have split on whether a plaintiff who is injured in an off-duty, on-base car crash may sue. See *Schoenfeld* v. *Quamme*, 492 F. 3d 1016, 1017–1018, 1023–1026 (CA9 2007) (yes); 125 F. 4th, at 890–891 (no).

For more than 38 years, this Court has given no clarity to a doctrine it created. "The principal purpose of this Court's exercise of its certiorari jurisdiction is to clarify the law." *Caperton* v. *A. T. Massey Coal Co.,* 556 U. S. 868, 902 (2009) (Scalia, J., dissenting). In other contexts, when lower courts report confusion and are in disarray, this Court grants certiorari to "resolve the circuits' disagreement and

address our lower court colleagues' calls for clarification." *Medina* v. *Planned Parenthood South Atlantic*, 606 U. S. 357, 367 (2025). We should have done so in this case. I respectfully dissent from the denial of certiorari.