KENTUCKY LAW UPDATE 2026

ADVANCING THE PROFESSION THROUGH EDUCATION

Federal Court Update

1 CLE Credit

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I. FEDERAL RULES AMENDMENTS

Amendments to the following rules were adopted by the U.S. Supreme Court and transmitted to Congress on April 8, 2026. The amendments are set to go into effect on December 1, 2026. The full Congressional Rules Package is available for download at https://www.uscourts.gov/sites/default/files/document/2026_congressional_package_final.pdf.

A. Appellate Form 4

B. Bankruptcy Rules 1007, 3018, 5009, 9006, new Rule 7043

C. Evidence Rule 801.

II. SIXTH CIRCUIT COURT OF APPEALS

A. Administrative Law

U.S. Sportsmen's Alliance Foundation v. Centers for Disease Control and Prevention, 167 F.4th 813 (6th Cir. 2026)

The CDC's "Dog Rule" requires all dog importers to submit a dog importation form, microchip their animals, and all dogs imported must be at least six months old. The agency modified the rule through notice and comment rulemaking after rabid dogs were imported into the U.S. in 2015. Plaintiffs filed suit seeking a preliminary injunction against the rule's age and microchip requirements. They argued those requirements exceed the CDC's statutory authority and were promulgated through arbitrary and capricious rulemaking. The district court denied the preliminary injunction because plaintiffs failed to show a likelihood of success on the merits. The Sixth Circuit affirmed, holding 42 U.S.C. §264 likely authorizes the age and microchip requirements. It is also unlikely that plaintiffs will show the Dog Rule is arbitrary and capricious. After conducting notice and comment rulemaking, the CDC reasonably concluded that fraudulent documents allowed rabid dogs to enter the U.S. The microchip requirement makes it harder to commit that fraud. In addition, the age requirement makes it easier to spot potentially rabid dogs before they enter the country and to ensure rabies vaccinations are effective.

B. Agriculture

Black Farmers & Agriculturists Association v. Rollins, 154 F.4th 473 (6th Cir. 2025)

The Black Farmers & Agriculturists Association filed suit against the U.S. Department of Agriculture challenging its policy of disallowing applications to one of its programs filed on behalf of deceased relatives. Section 22007(e) of the Inflation Reduction Act of 2022[1] appropriated over $2 billion to provide financial assistance to farmers determined to have experienced discrimination in USDA lending programs. The district court dismissed the suit, holding the statute requires the USDA to only accept applications from living farmers. The Sixth Circuit affirmed. It noted the statute provides "assistance", not "compensation", and thus creates no cause of action that could survive a claimant's death.

C. Arbitration

1. *In re Chrysler Pacifica Fire Recall Products Liability Litigation*, 143 F.4th 718 (6th Cir. 2025).

Plaintiffs are members of a multi-district products liability suit who allege they purchased defective Chrysler minivans from FCA. When FCA learned some plaintiffs had agreed to arbitration clauses when they purchased their vehicles, it moved to compel those plaintiffs to arbitrate. The district court denied FCA's motion to compel after it *sua sponte* found FCA had waived its right to arbitrate. FCA appealed, and the Sixth Circuit reversed. The Court first held that the issue of whether a party has waived its right to compel arbitration is a decision for the court, not an arbitrator. It then found the district court violated the principle of party presentation by raising the waiver issue on its own. The Court reversed the district court's decision and remanded for further proceedings consistent with its opinion.

2. *Kloosterman v. Metropolitan Hospital*, 153 F.4th 501 (6th Cir. 2025).

Kloosterman sued Metropolitan Hospital, her former employer, under 42 U.S.C. §1983, Title VII, and Michigan law. The parties engaged in motion practice in federal court over the next year. After the district court granted in part and denied in part the hospital's motion to dismiss, hospital administrators raised an arbitration defense for the first time. The district court granted the motion to arbitrate, compelled arbitration, and dismissed the case. Kloosterman appealed, and the Sixth Circuit reversed. It held the hospital's decision to litigate Kloosterman's claims in court before seeking arbitration put it in "default" of proceeding with that arbitration. A defendant's actions are entirely inconsistent with arbitration if it first seeks to win in court through a Rule 12(b)(6) motion to dismiss and moves to arbitrate only after the court rejects that motion. The Court also noted defendant's discovery discussions with Kloosterman's counsel and choice of a discovery plan were completely inconsistent with seeking arbitration. The hospital lost its right to arbitrate the dispute under the Federal Arbitration Act by seeking to dismiss all of Kloosterman's claims on the merits. The Court reversed and remanded for further proceedings.

[1] Pub. L. No. 117-169.

3. *Schnatter v. 247 Group, LLC*, 155 F.4th 543 (6th Cir. 2025).

John Schnatter, the founder and former CEO of Papa John's, filed suit against his company's former public relations firm, Laundry Service, alleging its employees leaked negative information about him to the press in violation of the parties' non-disclosure agreement. The parties litigated the action in federal court for the next four years. In an amended complaint, Schnatter claimed Laundry Service had breached the NDA. Laundry Service moved to dismiss, claiming it was not bound by the NDA. It also stated that if the court found otherwise, the NDA required the parties to arbitrate the dispute but it did not move to compel arbitration. The district court granted summary judgment to Laundry Service on all of Schnatter's claims except for breach of the NDA. One month later, Laundry Service moved to compel arbitration. Following a bench trial to resolve the issue of arbitrability, the district court ruled in Schnatter's favor. It determined the NDA formed an enforceable contract requiring the parties to arbitrate a dispute upon demand by the other party but denied Laundry Service's motion to compel. It held Laundry Service defaulted on its right to arbitrate the dispute by aggressively litigating the case in court before its motion to compel. Laundry Service filed an interlocutory appeal under §16(a) of the FAA, and the Sixth Circuit affirmed in part. The Court refused to exercise pendent jurisdiction over whether the NDA was a valid contract, noting Laundry Service can appeal the district court's ruling regarding the NDA in the normal course after final judgment. It also denied Schnatter's request for sanctions.

4. *Holtec International Corporation v. Michigan State Utilities Workers Council*, 160 F.4th 723 (6th Cir. 2025).

The Court held that where an arbitration award and the case's caption misname a party against whom an award is to be entered, but there is no ambiguity as to the real identity of that party, a federal district court may enforce the award.

5. *Bruce v. Adams & Reese, LLP*, 168 F.4th 367 (6th Cir. 2026).

The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (EFAA) provides an exception to the Federal Arbitration Act's rule that arbitration agreements must be enforced according to their terms. Bruce filed a sexual harassment and ADA suit against her employer after the law firm terminated her. The Sixth Circuit affirmed the district court's holding that Bruce's complaint plausibly alleged a Title VII sexual-harassment claim. It also affirmed the district court's holding that the arbitration agreement was unenforceable as to Bruce's entire case, including her ADA claims. The Court held that where a plaintiff brings multiple claims in a single suit against a party with whom they have an otherwise valid arbitration agreement and one of those claims alleges a sexual assault or sexual harassment dispute, the EFAA renders the arbitration agreement unenforceable with respect to each of the claims that comprise the case. The EFAA permits Bruce to litigate her entire case in federal court, and the district court did not err in denying the law firm's motion to compel arbitration of Bruce's ADA claims. This was an issue of first impression in the Sixth Circuit.

D. Artificial Intelligence

1. *Whiting v. City of Athens, Tennessee*, 170 F.4th 455 (6th Cir. 2026).

The Sixth Circuit affirmed the district court in all respects in the underlying matter via separate opinion. This opinion addressed the misconduct of Whiting's lawyers in their briefing before the Court and the sanctions imposed. The Court found the brief misrepresented the nature of the district court's sanctions order. It also contained over two dozen fake citations and misrepresentations of fact. The cases cited either did not exist, did not include the quoted language the attorneys claimed, or did not discuss or support the proposition for which they were cited. Furthermore, the attorneys failed to show cause why they should not be sanctioned. Instead, they responded to the Court's show cause order by arguing it was void on its face for failing to include the signature of an Article III judge, was motivated by harassment by the other party's attorneys, and reflected illegal *ex parte* communications within the Court. The Court sanctioned Whiting's attorneys under Fed. R. App. P. 38 and its inherent authority. The attorneys must reimburse appellees in full for their reasonable attorneys' fees on appeal in all three appeals, pay double costs to appellees for costs incurred under 28 U.S.C. §1920 in all three appeals, and each pay $15,000 to the court as punitive sanctions. In addition, a copy of the Court's order will be forwarded to the chief judge to consider disciplinary proceedings under Sixth Circuit Local Rule 46.

2. *U.S. v. Farris*, 171 F.4th 920 (6th Cir. 2026).

Attorney Howe was appointed to represent Farris pursuant to the Criminal Justice Act.[2] In response to the district court's show cause order, Howe admitted to using artificial intelligence, specifically Westlaw's CoCounsel, to draft the briefs in this case and filing them without properly verifying the cited legal authorities. The Sixth Circuit emphasized that attorneys must not utilize technology without knowing the ways it can be misused or contribute to inaccuracies. Attorneys who choose to use artificial intelligence must do so in a manner consistent with their ethical obligations. This requires verifying citations and propositions submitted to courts. The Court held Howe may not be compensated under the CJA for his time spent on this appeal. In addition, the Court's opinion will be forwarded to the Chief Judges of the Sixth Circuit, the Eastern and Western Districts of Kentucky, and the Kentucky Bar Association.

[2] 18 U.S.C. §3006A.

E. Bankruptcy

Insight Terminal Solutions, LLC v. Cecelia Financial Management, 148 F.4th 869 (6th Cir. 2025)

In this case, the bankruptcy court refused to recharacterize a loan as an equity contribution when a businessman arranged for one of his family-owned companies to transfer money to another. The businessman died before the trial on this issue. The bankruptcy court excluded his deposition from trial because the opposing side lacked the opportunity to cross-examine him. It also rejected Insight's claim that it should recategorize the loan as equity contributions under the factors listed in *In re Autostyle Plastics, Inc.*[3] The bankruptcy appellate panel affirmed, and Insight appealed to the Sixth Circuit. It held the bankruptcy court erred in excluding the decedent's deposition at trial. Insight met all three express conditions listed in Fed. R. Civ. P. 32 for admitting the deposition. Rule 32 does not have an absolute bar against admitting deposition testimony if the opposing party lacked the opportunity to cross-examine the declarant. District courts must instead balance the party's right to cross-examination against the other party's need for the deposition on a case-by-case basis.

F. Business Law

C-Ville Fabricating, Inc. v. Tarter, 149 F.4th 641 (6th Cir. 2025)

C-Ville Fabricating, doing business as Tarter Industries, is a closely-held corporation in Kentucky. In 2010, the family's third generation gifted their shares to their children. Since that time, the corporation has failed to hold annual shareholder meetings, elections, or board meetings. Three shareholders sought to sue a fourth shareholder for actions he took while serving as Tarter's president. At issue in this case is whether Tarter Industries consented to sue in its own name so that the action can proceed. The Court held the share transfer was not a resignation by the three third generation board members because they never formally resigned in writing or orally as required by statute. Because Tarter Industries never reconstituted its board, board membership remained as it was before the share transfer. The special meeting held by that board in which a majority of its members voted for the direct suit complied with the special meeting requirements listed in the corporation's bylaws and validly authorized the suit under Kentucky law. The Court vacated the district court's judgment and remanded for proceedings consistent with its opinion.

G. Civil Procedure

1. *In re Levang*, 154 F.4th 444 (6th Cir. 2025).

Plaintiffs, who are former members of Kappa Kappa Gamma, filed suit in Ohio against the sorority and its leadership over its decision to admit transgender

[3] 269 F.3d 726 (6th Cir. 2001).

individuals. A few months before, a different group of Kappa members filed suit in Wyoming over the same issue. The district court transferred the Ohio case to the District of Wyoming on its own motion and without briefing by the parties. It held it had the inherent power to do so under the first-to-file rule. The district court dismissed Plaintiffs' motion to reconsider the transfer because it was improper under 28 U.S.C. §1404(a) for lack of jurisdiction. Plaintiffs then petitioned the Sixth Circuit for a writ of mandamus directing the district court to vacate its order transferring their diversity suit to Wyoming. The Sixth Circuit granted the petition for a writ of mandamus. It found the district court went beyond the bounds of authority granted to it by Congress when it exercised its "inherent power" to transfer the case in disregard of §1404(a). District courts do not have any inherent authority to transfer cases outside of the limits stated in §1404(a).

2. *Outdoor One Communications LLC v. Charter Township of Canton, Michigan,* 155 F.4th 776 (6th Cir. 2025).

Outdoor One Communications applied for a permit to erect a billboard in Canton, Michigan. Canton denied the application because the proposed sign violated the local sign ordinance's restrictions for height and size. Outdoor filed suit in federal court on First Amendment grounds. The district court denied the claims for lack of standing, and the Sixth Circuit affirmed. Outdoor filed a second suit, again alleging the ordinance acts as a prior restraint on speech. The district court held *res judicata* precluded the action and dismissed it. On appeal, the Sixth Circuit held issue preclusion bars only part of the claim, and Outdoor has otherwise alleged standing. It affirmed in part, vacated in part, and remanded for further proceedings. Issue preclusion bars relitigation of Outdoor's prior restraint claim insofar as it is based on the same facts as the prior suit regarding the previously denied application. It does not extend to Outdoor's claim based on its alleged refusal to seek the variance necessary to display other billboards within Canton. It did not make that allegation in the previous suit. Outdoor's refusal to submit any billboard applications is a new factual development. The district court erred to the extent it dismissed Outdoor's prior restraint claim stemming from its refusal to submit any billboard applications.

3. *Johnson v. Johnson*, 157 F.4th 813 (6th Cir. 2025).

The Sixth Circuit affirmed the district court's holding that it did not have subject matter jurisdiction to compel arbitration of a pending state court proceeding to probate and determine the assets of the decedent's estate. A proceeding under §4 of the Federal Arbitration Act does not raise a federal question simply because it was brought under §4 of the FAA. The probate proceeding that Rita Johnson initiated in state probate court is plainly a state law dispute, and the district court lacked federal question jurisdiction. In addition, the state court probate proceedings are plainly *in rem* proceedings, and the probate exception to federal subject matter jurisdiction applies.

4. *In re East Palestine Train Derailment*, 158 F.4th 704 (6th Cir. 2025).

The district court consolidated cases related to the derailment of a Norfolk Southern train into one class action under [Fed. R. Civ. P. 42](). It designated three attorneys to act as interim class counsel prior to certification and appointed an attorney with Morgan & Morgan P.A. as co-lead counsel. A settlement agreement was reached in 2024 which required Norfolk Southern to establish a $600 million settlement fund. For attorneys' fees, class counsel would petition the court for a fee award, and the approved fee award would be paid under a "quick pay provision." This allowed plaintiffs' counsel to be paid 14 days after district court approval of the settlement. All lead co-counsel signed the agreement, and the court set July 1, 2024 as the deadline for any objections to the settlement. In September, co-lead class counsel moved the district court to grant final approval of the proposed settlement and award attorney's fees equaling 27% of the total recovery. Distribution of funds began in October 2024. Morgan & Morgan's share of the fees was assessed at $7.7 million. Four weeks after the district court's final settlement approval, Morgan & Morgan filed a motion challenging the settlement's approved quick pay provision and authority of co-lead class counsel to make allocation determinations among the firms. The district court denied the motion, and Morgan & Morgan appealed. The Sixth Circuit affirmed in part and reversed in part. It held the firm lacks standing to challenge the quick pay provision. The district court did not abuse its discretion by refusing to amend its order and judgment on fee allocation. It did err, however, in failing to consider the parties' arguments concerning the individual allocation to Morgan & Morgan. The Court remanded the matter to the district court for consideration of the firm's final argument regarding its individual allocation.

5. *Stovall v. Jefferson County Board of Education*, 164 F.4th 554 (6th Cir. 2026).

Jefferson County planned to administer a mental health survey to its students. Stovall, a JCPS parent, made a state public records request for a copy of the survey. The school permitted her to see the survey but would not provide her with a copy of it. It claimed the public records law did not extend to copyrighted materials. Rather than filing under state law in state court, Stovall filed for a declaratory judgment in federal district court alleging the fair use exception in copyright law covered her request. The district court dismissed the action for lack of jurisdiction, and the Sixth Circuit affirmed. To grant relief under the Declaratory Judgment Act, federal courts must already have jurisdiction under some other federal statute. The Court affirmed the district court's holding that it did not have jurisdiction over Stovall's claim under the Copyright Act. The Act does not create her cause of action, her state law claim does not necessarily raise a question of copyright law, and her state open records act claim is not a doppelganger of a federal copyright claim.

6. *Gun Owners of America, Inc. v. Bondi*, 168 F.4th 813 (6th Cir. 2026).

In *Garland v. Cargill*,[4] the Supreme Court held that bump stocks are not "machineguns" under the National Firearms Act of 1934, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) exceeded its statutory authority promulgating a rule stating the opposite. In the instant case, the district court found the ATF was substantially justified in treating rifles fitted with bump stocks as illegal machineguns. In light of *Cargill*, the district court issued a final order declaring the ATF's rule unlawful. It refused to award attorney's fees to Gun Owners of America, International as the prevailing party under 28 U.S.C. §2412(d)(1)(A). The district court noted the unsettled nature of this issue and concluded the government had offered a reasonable interpretation of the machinegun definition. Gun Owners appealed, and the Sixth Circuit affirmed. The Court found no basis to overturn the district court's conclusion that the ATF was substantially justified in arguing the statutory machinegun definition covered bump stocks. It must defer to the district court's substantial justification finding unless it abused its discretion in reaching it. The district court reasonably held that a reasonable person could have thought the ATF's position was correct on the actual merits of the controversy.

7. *PCC Airfoils, LLC v. Daugherty*, 176 F.4th 509 (6th Cir. 2026).

PCC Airfoils alleged Daugherty printed documents containing trade secrets when he left his job there to join a competitor. It sought a preliminary injunction to prevent him from disclosing those trade secrets or working on products similar to the ones he worked on at PCC. The district court denied the request, finding PCC failed to meet each of the preliminary injunction factors with "clear and convincing evidence." The Sixth Circuit reversed and remanded. A movant does not need to establish a quantum of proof, whether a preponderance or clear and convincing evidence, with respect to each factor to be eligible for preliminary relief. A court should consider all four factors, but with a sliding scale inquiry that depends on the equities of a given case as well as the substance of the legal issues presented. The Court remanded to the district court to apply the appropriate test to PCC's request in the first instance.

H. Civil Rights

1. *Codrington v. Dolak*, 142 F.4th 884 (6th Cir. 2025).

The Court reversed the district court's grant of summary judgment to defendants in Codrington's 42 U.S.C. §1983 action alleging fabrication of evidence by Louisville Metro Police Department officers. It held Codrington provided sufficient evidence to create a genuine dispute of material fact

[4] 602 U.S. 406, 415 (2024).

regarding whether the officers fabricated evidence and used it to charge him with committing crimes. Because the district court granted summary judgment on all of Codrington's §1983 claims and therefore no underlying constitutional violation occurred, it also granted defendants summary judgment on his *Monell* claims without considering their merits. Because it revived Codrington's fabrication of evidence claim, the Sixth Circuit also reversed the district court's *Monell* holding and remanded for it to consider the merits of those claims in the first instance.

2. *Henry v. Southern Ohio Medical Center*, 155 F.4th 620 (6th Cir. 2025).

Henry worked as a nurse in the pediatric medical office of Southern Ohio Medical Center where she had regular direct contact with patients including newborns. In 2021, SOMC developed a COVID-19 vaccine policy for all staff but allowed those with religious objections to submit weekly for nasal testing instead. Henry requested a religious accommodation exempting her from both vaccination and weekly nasal testing, which SOMC denied. It then placed her on unpaid leave for six months until the vaccine/testing mandate was lifted in 2022. Henry declined SOMC's invitation to return to her employment there because she had accepted employment at a different facility. Henry filed suit under Title VII alleging failure to accommodate her religious beliefs and retaliation. The district court granted summary judgment to SOMC. It rejected Henry's claim she had requested alternative forms of testing based on the conflict between her affidavit claiming such and her deposition testimony. The district court held accommodating Henry would have caused SOMC undue hardship because exempting her from vaccination and all testing would place its vulnerable patient population at risk. In the alternative, it found that the saliva test referenced in Henry's affidavit as her preferred testing method would also impose an undue hardship on SOMC. Those tests had to be analyzed offsite and results took twice as long as results from onsite nasal testing. It also found Henry failed to show SOMC's concern about the spread of COVID-19 was a pretextual reason for placing her on unpaid leave. The Sixth Circuit affirmed.

3. *Bilyeu v. UT-Batelle, LLC*, 154 F.4th 396 (6th Cir. 2025).

The Bilyeus raised religious objections to taking the COVID-19 vaccine as mandated by their employer. UT-Batelle required employees seeking a religious exemption to undertake a lengthy panel interview and read a fact sheet including views of various religious leaders regarding the vaccine. After completing these steps, the objecting employee would then be placed on unpaid leave. The Bilyeus filed suit under Title VII claiming disparate treatment, failure to accommodate, and retaliation. The district court granted summary judgement to UT-Batelle. On appeal, the Sixth Circuit affirmed as to Ms. Bilyeu, finding she did not have Article III standing because she received a medical accommodation before being placed on unpaid leave. The Court vacated the grant of summary judgment on Mr. Bilyeu's disparate treatment and failure to accommodate claims. *Muldrow v. City of St. Louis, Missouri*[5] bars courts from forcing Title VII plaintiffs to show they suffered a "materially adverse impact". The Sixth Circuit held that under *Muldrow* courts also cannot dismiss a Title VII complaint simply because the plaintiff's only harm is having to choose between violating their religious beliefs and violating workplace policies. It vacated the district court's grant of summary judgment on those claims and remanded for further proceedings. The Court reversed the grant of summary judgment on Mr. Bilyeu's retaliation claim and remanded for further proceedings. A triable issue exists regarding whether UT-Batelle retaliated against him by subjecting him to an interview process that demeaned him due to his religious beliefs.

4. *Adams v. Lexington-Fayette County Urban County Government*, 154 F.4th 501 (6th Cir. 2025).

Plaintiffs, who are football players at the University of Kentucky, were subjected to racial taunts and physical violence at a fraternity party. After the altercation, a Lexington police officer initiated criminal charges against Plaintiffs despite evidence that showed they were actually the victims and committed no wrongdoing. By the time a grand jury refused to indict Plaintiffs, their reputations and careers had already been negatively affected. Plaintiffs thereafter sued the police officer, the Lexington police chief, and LFUCG asserted various federal and state law claims. The district court granted defendants' motion to dismiss all claims except a state malicious prosecution claim. It found that defendants' actions were not deprivations of liberty under the Fourth Amendment as required for federal claims. It also dismissed the state law claim, finding the facts failed to state a claim under Kentucky law. The Sixth Circuit affirmed. It agreed that while distressing, the harm plaintiffs suffered was not a deprivation of liberty under the Fourth Amendment. The district court did not err in dismissing their federal malicious prosecution claim. In addition, they also have no viable fabrication of evidence claim for the same reason. Their *Monell* claims also fail because they have not successfully pled an underlying constitutional violation. Their state law claim for defamation fails because the press release at issue is subject to an absolute privilege under Kentucky law. Statements made in judicial proceedings are absolutely privileged when material, pertinent, and relevant to the subject under inquiry even if it is claimed they are false and alleged with malice.[6]

5. *B.A. v. Tri County Area Schools*, 156 F.4th 782 (6th Cir. 2025).

School administrators told two middle school students in Michigan that they could not wear shirts with the phrase "Let's Go Brandon" in school because

[5] 601 U.S. 346 (2024).

[6] *See Maggard v. Kinney*, 576 S.W.3d 559, 567 (Ky. 2019).

the phrase is vulgar and inappropriate for the school environment. Their mothers filed suit against the school district and administrators, alleging the school deprived the boys of their First Amendment rights. The district court granted defendants' motion for summary judgment, holding the school could reasonably prohibit the shirts because they were vulgar speech. The Sixth Circuit affirmed. Schools may regulate speech that is reasonably understood to convey an obscene or vulgar message even when the words used are not themselves obscene or vulgar.

6. *Defending Education v. Olentangy Local School District Board of Education*, 158 F.4th 732 (6th Cir. 2025).

An Ohio public school system policy barred students from referring to transgender and nonbinary classmates using the pronouns that match their biological sex rather than their preferred pronouns. Plaintiffs filed suit arguing the speech ban violated their First Amendment free speech rights. School districts may not restrict personal speech on matters of public concern unless the speech would materially and substantially disrupt school activities or infringe the rights of others in the school community.[7] The Sixth Circuit found the school district failed to meet this standard because it introduced no evidence that using biological pronouns would disrupt school functions or qualify as harassment under state law. The Court reversed and remanded for entry of an appropriately tailored preliminary injunction barring the district from punishing students for using biological pronouns. It noted that nothing in its decision prevents the district from enforcing its anti-harassment policies against abuse of transgender students the same as it enforces those policies against abuse of all other students.

7. *Blankenship v. Louisville-Jefferson County Kentucky Metro Government*, 162 F.4th 644 (6th Cir. 2025).

Churchill Downs received an event permit authorizing restricted access to normally public areas around the track for the Kentucky Derby. Blankenship was arrested and charged with third-degree criminal trespass when he refused to leave the restricted area. The criminal trespass charge was later dismissed without prejudice on the condition he have no unlawful contact with Churchill Downs. Blankenship filed suit in federal court under §1983 alleging free speech, free exercise, and due process claims against metro government and the arresting officer, a Kentucky state trooper. The district court granted defendants' motion for summary judgment in full. The Sixth Circuit affirmed. Blankenship's free speech claim fails because he failed to raise a genuine dispute that enforcement of the restricted area was content-neutral. Enforcement of the restricted area served the significant government interest in safety and security and was narrowly tailored to its purpose. In addition, Blankenship had ample alternative channels of communication

[7] *See Tinker v. Des Moines Independent School District*, 393 U.S. 503, 513 (1969).

available including access to a non-restricted area across the street. The Court held Blankenship failed to preserve his free exercise claim on appeal and affirmed the grant of summary judgement on his due process claim. Because Blankenship failed to demonstrate an underlying constitutional violation, his *Monell* claim against Louisville metro government also fails. The state trooper is entitled to qualified immunity on Blankenship's claims against him in his individual capacity for the same reason.

8. *Catholic Charities of Jackson, Lenawee, and Hillsdale Counties v. Whitmer*, 162 F.4th 686 (6th Cir. 2025).

   Under Michigan law, therapists may offer minor clients counseling providing assistance to individuals undergoing gender transition. They may lose their license, however, for providing a minor client with parental consent counseling to change their behavior or gender expression to align with their biological sex. A group of therapists filed suit, alleging the law violates their First Amendment free speech rights. The district court denied their request for preliminary injunction, holding the therapy at issue amounts to conduct rather than speech. The Sixth Circuit reversed. It held HB 4616 is subject to strict scrutiny under the First Amendment as a content- and viewpoint-discriminatory restriction upon speech. To survive strict scrutiny, defendants must be able to show the law's restrictions on speech are the least restrictive means of achieving a compelling state interest. The Court held defendants failed to meet that burden, and plaintiffs are likely to succeed on the merits of their First Amendment claim. It remanded for entry of a preliminary injunction consistent with its opinion.

9. *Halasz v. Cass City Public Schools*, 162 F.4th 724 (6th Cir. 2025).

   An eighth-grade student made comments to a classmate about bringing a gun to school just one week after a fatal shooting at a nearby school. Officials and police interviewed the student and searched his body, backpack, and locker. No gun was found. The student was expelled for making a threat of violence. His parents sued the school district under §1983, alleging school officials unlawfully seized the student and that his due process rights were violated during his expulsion hearing. The district court granted summary judgment to defendants, and the Sixth Circuit affirmed. It held the scope of the student's search was reasonable under the Fourth Amendment. In an issue of first impression, the Court held public school officials make a Fourth Amendment seizure of a student when the official limits the student's freedom of movement in a manner that significantly exceeds that inherent in everyday compulsory attendance. It adopted the reasonable suspicion standard for Fourth Amendment searches in the public school context stated in *New Jersey v. T.L.O.*[8] and applied it to Fourth Amendment seizures in the same context. Under this standard, seizures are reasonable if justified at their

[8] 469 U.S. 325 (1985).

inception and reasonably related in scope to the circumstances which justified it in the first place. The Court found the seizure at issue in this case was reasonable as the school had justification to question the student about his comments, and he was only held for 30 minutes. The Court also held the school provided the student with adequate process, and the individual defendants are entitled to qualified immunity because plaintiffs failed to show they violated any of the student's constitutional rights.

10. *Doe v. Burlew*, 165 F.4th 525 (6th Cir. 2026).

Kentucky law requires covered sex offenders to put their full legal names on their qualifying social media accounts. Doe filed suit alleging the statute is unconstitutional under the First Amendment because it bars regulated parties from speaking anonymously online. He argued the statute is facially overbroad. The district court granted his request for a preliminary injunction, which the Sixth Circuit vacated on appeal. The Court found the district court erred in holding plaintiff had a likelihood of success on his claim by failing to engage in the demanding comprehensive review required by facial challenges.[9] It remanded to the district court for further proceedings consistent with its opinion.

11. *Kilnapp v. City of Cleveland*, 167 F.4th 909 (6th Cir. 2026).

Plaintiff filed suit against a fellow police officer and the City of Cleveland alleging the officer used excessive force against her in violation of her Fourth Amendment rights when he shot her while they were on duty during a confrontation with a suspect. The Court held that when an officer shoots their firearm in circumstances that objectively manifest an intent to restrain, any individual struck by the bullet is seized within the meaning of the Fourth Amendment regardless of whether that individual was the officer's intended target. Because this law was not clearly established at the time of plaintiff's shooting, the officer who shot her is entitled to qualified immunity on her Fourth Amendment claim.

12. *Gaines v. Cross*, 168 F.4th 403 (6th Cir. 2026).

The Sixth Circuit held the district court did not err in dismissing Gaines's claim under §1983 for violation of her freedom of speech. Gaines's supervisor, a domestic relations administrative judge in Ohio, terminated her employment over negative campaign speech regarding the court's operations and a fellow court magistrate. Because Gaines, as magistrate, held a confidential or policymaking position within the domestic relations court and spoke on political or policy-related matters in a manner that undermined the confidence her supervisor had in her continued service, her termination did not violate the First Amendment.

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[9] *See Moody v. NetChoice, LLC*, 603 U.S. 707 (2024).

13. *Dutton v. Shaffer*, 171 F.4th 858 (6th Cir. 2026).

Dutton filed suit against the Kentucky Judicial Conduct Commission for attempting to enforce state judicial ethics rules against her. The JCC found that her statements to a local newspaper during her campaign for reelection violated Rule 4.1(A)(11),[10] Rule 1.2,[11] and Rule 2.4(b).[12] The district court granted summary judgment and ordered permanent injunctive relief in favor of Dutton on her as-applied challenge to Rule 4.1(A)(11). It rejected her as-applied challenges to the other two rules and denied relief on her facial challenges to all three rules. The Sixth Circuit affirmed in part and reversed in part. The district court properly granted her motion for summary judgment and a permanent injunction based on her as-applied challenge to Rule 4.1.(A)(11) but erred in denying her motion based on her as-applied challenges to the other rules. Dutton carried her burden at summary judgment to show the JCC sought to enforce Rules 1.2 and 2.4(B). Defendants failed to carry their burden to show their enforcement withstands strict scrutiny review under the First Amendment. JCC sought to enforce the rules against speech that was "readily capable of a true interpretation" without evidence of falsity, and it provided no alternative, factually-supported basis for enforcing the rules against Dutton. The Court held Dutton is entitled to a permanent injunction enjoining enforcement of all three rules as applied to her speech.

14. *Fischer v. Thomas*, 176 F.4th 470 (6th Cir. 2026).

The Sixth Circuit granted declaratory and injunctive relief to two former Kentucky judicial candidates who argued the state violated their First Amendment rights when it threatened to sanction them for their campaign speech during the 2022 election.

I. Class Actions

1. *Generation Changers Church v. Church Mutual Insurance Company*, 168 F.4th 354 (6th Cir. 2026).

Generations Changers Church (GCC) was damaged in a tornado in Tennessee and received an insurance payment from Church Mutual. GCC filed a putative class action on behalf of class members in 10 states alleging Church Mutual improperly calculated the amount of the repair/replacement actual cash property value minus depreciation. Church Mutual moved to dismiss the

[10] This rule prohibits judicial candidates from making false statements of material fact.

[11] This rule requires judicial candidates to uphold judicial independence, integrity, and impartiality.

[12] This rule prohibits judicial candidates from allowing personal relationships to influence judicial conduct or judgment.

action, arguing GCC lacked Article III standing to pursue claims under the laws of states where it did not reside. The district court rejected the claim, holding GCC's ability to bring the class action is determined under Fed. R. Civ. P. 23. The district court found GCC satisfied its burden under Rule 23(a). After examining predominance under Rule 23(b)(3), it found common issues prevailed four of the named states. It declined to certify a class with respect to the other six states. It modified the class definition and certified a class with members in Arizona, California, and Tennessee. GCC appealed, and the Sixth Circuit affirmed in part and vacated in part. It found the district court erred in finding GCC failed to show common issues would predominate over individual issues because of the unsettled nature of the six states' law and their capacity for divergence. GCC presented a multi-state survey supporting its claim that each of the 10 states applies the same approach to depreciation of non-materials in ambiguous contracts and construes that ambiguity against the insurer. The district court erred in failing to conduct an *Erie*[13] analysis with respect to each state. On remand, it must conduct *Erie* analyses with respect to Kentucky, Ohio, Mississippi, Texas, and Missouri and predict how each state's supreme court would address this issue to determine if class certification would be appropriate. The district court did not abuse its discretion in declining to certify a class including members in Vermont. GCC offered a single, non-binding advisory opinion as proof of Vermont law, and the district court was within its discretion to find that insufficient to satisfy Rule 23(b)'s predominance requirement. The Sixth Circuit remanded to the district court for further proceedings consistent with its opinion.

2. *Clippinger v. State Farm Automobile Insurance Company*, 173 F.4th 817 (6th Cir. 2026).

In calculating the actual cash value of destroyed vehicles, State Farm relies on the advertised prices of comparable used vehicles. It then imposes a "typical negotiation" adjustment that reduces the estimated value of the comparable vehicles to account for negotiations that lower their final sales prices. Plaintiff filed a class action challenge regarding the negotiation adjustment, arguing it generally undervalues the comparator vehicles. The Sixth Circuit reversed the district court's class-certification order and remanded for proceedings consistent with its opinion. To determine whether State Farm paid actual cash value for the 90,000 used vehicles in the class, a jury would have to examine unique evidence about each vehicle's value. This individual value will predominate over all questions under Fed. R. Civ. P. 23(b)(3).

[13] *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938).

J. Constitutional Law

1. *McCaleb v. Long*, 152 F.4th 728 (6th Cir. 2025).

The Tennessee Judicial Advisory Commission has held meetings closed to the public since 2018. McCaleb, a journalist, filed suit arguing the Commission is violating the First Amendment as applied to the state through the Fourteenth Amendment by depriving him of access to those proceedings. The district court granted summary judgment to the Commission's official, and the Sixth Circuit affirmed. The courts rejected McCaleb's argument that his request satisfies the experience-and-logic test outline in *Press-Enterprise Co. v. Superior Court of California for Riverside County*.[14] The information he seeks is not tied to an adjudicatory proceeding. The Commission's role is advisory only, and the Tennessee Supreme Court retains plenary authority to prescribe the state's rules of practice and procedure.

2. *Lifestyle Communities, Ltd. v. City of Worthington, Ohio*, 165 F.4th 1013 (6th Cir. 2026).

Lifestyle Communities purchased real estate in Worthington with plans to build mixed-use residential and commercial spaces on the property. However, those plans were dependent on the city approving Lifestyle's development plan and rezoning request. When the city denied its requests, Lifestyle filed suit in federal court. The Sixth Circuit affirmed the district court's grant of summary judgment to Worthington on Lifestyle's regulatory takings and declaratory judgment claims. It also affirmed the district court's dismissal of Lifestyle's due process claims. The Sixth Circuit held Lifestyle failed to establish a regulatory taking. It purchased the property at issue with an awareness that the city might not rezone the land. In addition, the city's actions in refusing to rezone Lifestyle's property support the legitimate public purposes of conserving greenspace and reducing traffic in the area. Lifestyle's loss of property value and enduring a bureaucratic waiting period on its zoning application is insufficient as a matter of law to establishing a regulatory taking. Lifestyle's declaratory judgment claim fails because it offered no authority indicating the zoning at issue is unconstitutional beyond fair debate. The due process claim fails because Lifestyle failed to allege a cognizable property interest in a discretionary zoning decision or that the current zoning bears no rational relationship to any public purpose.

K. Copyright Law

Estate of Worrell v. Thang, Inc., 176 F.4th 906 (6th Cir. 2026)

Worrell recorded music with George Clinton & P-Funk between 1969 and 1981. The statute of limitations on his estate's copyright claims accrued when Clinton and

[14] 478 U.S. 1, 8-9 (1986).

Thang, Inc. plainly and expressly repudiated his co-ownership. Normally this would have occurred when Clinton sold the recordings without paying Worrell royalties or giving him credit. In this case, Worrell may have reasonably believed that those actions did not implicate his copyright ownership due to a 1976 agreement which purported to assign sole ownership of the recordings to Thang, Inc., which acted in accordance with the agreement for decades. Only in 2020 when Clinton and Thang, Inc. denied the agreement's validity did it become plain to Worrell's estate that they were repudiating his copyright ownership. The accrual depends on the terms of the 1976 agreement. The parties and district court on remand must determine which songs at issue are covered by it and whether Worrell was a co-author and co-owner of those songs.

L. Criminal Law

1. *U.S. v. Glenn*, 146 F.4th 485 (6th Cir. 2025).

Glenn appealed his conviction on two counts of distributing carfentanil and one count of using a telecommunications device to facilitate the transaction. He argued the district court erred in allowing a law enforcement officer to testify as an expert about the common meaning of words and phrases in text messages sent between Glenn and the decedent. The Sixth Circuit vacated his conviction and remanded to the district court for further proceedings. It held the district court abused its discretion in allowing the law enforcement officer to testify regarding the meaning of the text messages. The bulk of the messages were not a proper subject for expert testimony, and the officer was not qualified to testify as an expert regarding them. "Agent Almonte's testimony involved interpreting ordinary English language to effectively tell the jury the government's theory of the case."[15] The district court's error was not harmless because the text messages made up virtually all of the evidence implicating Glenn in the decedent's overdose. The Court also found there is no double jeopardy bar to retrying Glenn on remand.

2. *U.S. v. Pancholi*, 148 F.4th 382 (6th Cir. 2025).

Pancholi was convicted of health care fraud, witness tampering, money laundering, and aggravated identity theft in connection with a scheme to defraud Medicare. On appeal, he argued the district court violated his Fifth and Sixth Amendment rights. The Sixth Circuit affirmed his conviction. The district court did not err in excluding one of Pancholi's potential witnesses. Pancholi violated a discovery order by failing to provide advance notice of his intent to call the witness. The district court held the Sixth Amendment's compulsory process clause does not create an absolute bar to precluding defense witness testimony as a sanction for violating discovery rules. Referencing *Taylor v. Illinois*,[16] the district court balanced Pancholi's right to

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[15] *Id.* at 491.

[16] 484 U.S. 400 (1988).

offer testimony in his favor against countervailing considerations before deciding to exclude the potential witness. The Sixth Circuit affirmed, holding *Taylor* does not require a finding of willfulness before a trial court may impose the sanction of preclusion. The exclusion did not violate Pancholi's right to present witnesses in his defense, and the district court reasonably applied *Taylor*'s balancing test. The Court also held the district court did not abuse its discretion by denying defense counsel's motion to withdraw.

3. *U.S. v. Bridges*, 150 F.4th 517 (6th Cir. 2025).

The Sixth Circuit affirmed Bridges' conviction for possessing a machinegun in violation of 18 U.S.C. §922(o), holding the statute is constitutional both on its face and as applied to Bridges. The Court found that controlling Supreme Court and Sixth Circuit precedent predating *New York State Rifle & Pistol Ass'n v. Bruen*[17] supports its conclusion. It also applied *Bruen*'s text-and-history methodology, concluding §922(o) is consistent with U.S. historical tradition prohibiting private possession of dangerous and unusual weapons.

4. *U.S. v. Singh*, 147 F.4th 652 (6th Cir. 2025).

Singh was convicted of healthcare fraud in violation of 18 U.S.C. §1347. On appeal, the Sixth Circuit vacated her convictions and remanded for further proceedings consistent with its opinion. The statute criminalizes "knowingly and willfully" executing a scheme to defraud a healthcare benefit program. To establish a "willful" violation, the government must prove the defendant acted with knowledge that their conduct was unlawful.[18] In the instant case, the jury instructions did not state the government was required to prove Singh acted with knowledge that her conduct was unlawful. If there is a retrial, the jury instructions for violation of §1347 must specify the government is required to prove beyond a reasonable doubt Singh acted with knowledge that her conduct was unlawful. The Court found the district court also abused its discretion by excluding inculpatory statements Singh made to an insurance investigator. The statements were admissible hearsay under Fed.R.Evid. 803(3) as statements of Singh's then-existing state of mind. The error was not harmless because the evidence contradicted the government's claim that Singh knew she was doing something wrong. The district court also abused its discretion by allowing lay testimony to prove that a provider cannot determine whether durable medical equipment is medically necessary without personally examining the patient.

[17] 597 U.S. 1 (2022).

[18] *See Bryan v. U.S.*, 524 U.S. 184, 191-92 (1998).

5. *U.S. v. Escobar-Temal*, 161 F.4th 969 (6th Cir. 2025).

Defendant is a citizen of Guatemala who was present unlawfully in the U.S. In 2022, police found three firearms in his home, and he was charged with unlawful possession of a firearm under 18 U.S.C. §922(g)(5)(A). The statute prohibits possession of firearms by unlawfully present individuals. He appealed the conviction arguing the statute is facially unconstitutional and as applied to him. The Sixth Circuit affirmed. Defendant failed to show that there is no set of circumstances under which §922(g)(5)(A) would be valid. The Second Amendment is not violated by a law disarming a group of people lacking a formal relationship with the government who are therefore harder to regulate. It also rejected Defendant's argument that the statute is unconstitutional as applied to him because he is not an inherently dangerous individual. His lack of relationship with the government as an unlawfully present individual renders it reasonable for the government to disarm him.

6. *U.S. v. Florence*, 163 F.4th 1017 (6th Cir. 2026).

Prior to his trial for possession of child pornography, the parties stipulated that Florence was previously convicted for possession and attempted possession of child pornography and was on supervised release at the time of the conduct at issue at trial. A jury convicted him, and the district court sentenced him to a statutory mandatory minimum 10-year prison sentence followed by a life term of supervised release. On appeal, Florence argued his Fifth and Sixth Amendment rights were under *Alleyne v. U.S.*[19] and *Erlinger v. U.S.*[20] were violated by the failure to charge his prior conviction in the indictment and submit the fact of his prior conviction to the jury. The Sixth Circuit affirmed. *Erlinger* did not overrule *Almendarez-Torres v. U.S.*,[21] which permits a judge to find the fact of a prior conviction. That case also held the government does not need to allege a defendant's prior conviction in the indictment. The Court also held Florence's sentence was neither procedurally nor substantively unreasonable.

7. *U.S. v. Goldy*, 164 F.4th 493 (6th Cir. 2026).

The Sixth Circuit affirmed the conviction and sentence of former Commonwealth Attorney Ronnie Lee Goldy for violations of the Honest

[19] 570 U.S. 99 (2013).

[20] 602 U.S. 821 (2024).

[21] 523 U.S. 224, 246-47 (1998).

Services Wire Fraud Act,[22] the Travel Act,[23] and Federal Program Bribery.[24] The conviction stemmed from Goldy's agreement with a young female defendant that he would help her with her legal problems in exchange for sex acts and nude photos and videos.

8. *U.S. v. Maund*, 167 F.4th 941 (6th Cir. 2026).

A jury convicted three defendants of murder-for-hire-conspiracy and two of them for kidnapping and conspiracy to commit kidnapping. Just over two months later, the district court discovered the evidence delivered to the jury room did not exactly match the evidence admitted at trial. The jury received 10 unadmitted exhibits. Three admitted exhibits were not received. Each defendant filed a motion for a new trial under Fed. R. Crim. P. 33. The district court found the error was structural and granted their motions. The government appealed, and the Sixth Circuit reversed and remanded. It held no structural error occurred. The procedural error was harmless in light of the significance of the government's other evidence against the defendants.

9. *U.S. v. Singh*, 174 F.4th 998 (6th Cir. 2026).

Singh, a naturalized U.S. citizen, pleaded guilty to using a fraudulently obtained passport. He sought to set aside his conviction based on ineffective assistance of counsel based on his attorney's failure to explain that his guilty plea could lead to denaturalization. The Sixth Circuit affirmed, holding the Sixth Amendment does not require attorneys to advise naturalized citizens that a guilty plea carries the risk of denaturalization and eventual deportation.

10. *U.S. v. Herrell*, 180 F.4th 245 (6th Cir. 2026).

The Sixth Circuit affirmed defendants' convictions on charges of conspiracy to distribute controlled substances, health care fraud, and money laundering connected to their operation of Express Health care, an addiction treatment center that operated as a pill mill.

M. Education

Niblock v. University of Kentucky, 165 F.4th 460 (6th Cir. 2026)

Students filed suit against the University of Kentucky under Title IX alleging it failed to provide Division I equestrian, field hockey, and lacrosse teams for women. The district court found the plaintiffs failed to show that enough female students at the

[22] 18 U.S.C. §§1343 & 1346.

[23] 18 U.S.C. §1952(a)(3).

[24] 18 U.S.C. §666(a)(1)(B).

University wanted to and had the ability to compete in those sports at the Division I level as opposed to the existing club level. The Sixth Circuit affirmed.

N. ERISA

1. *Ace-Saginaw Paving Co. v. Operating Engineers Local 324 Pension Fund*, 150 F.4th 502 (6th Cir. 2025).

The Sixth Circuit affirmed the district court's holding that an actuary's estimate of Ace-Saginaw Paving Company's withdrawal liability violated 29 U.S.C. §1393(a)(1). At issue was the actuary's prediction of the fund's investment return (*i.e.*, the withdrawal interest rate). Ace calculated its withdrawal liability using a 7.75% withdrawal interest rate, which is the same as the fund's minimum funding interest rate. The fund's actuary used a 2.27% withdrawal interest rate as calculated by the Pension Benefit Guaranty Corporation to approximate the return of a certain set of annuities. At arbitration, the arbitrator found the actuary's 2.27% interest rate assumption violated the statute because it did not offer his best estimate of anticipated experience under the plan. The district court agreed with the arbitrator's findings and granted summary judgment to Ace on whether the fund violated §1393(a)(1). The Court affirmed, holding the actuary violated the statute by assuming an interest rate that was "untethered" from his expectations for the fund's performance and driven by concerns inappropriate for his actuarial role. The actuary in this case failed to give his best estimate because he chose an interest rate that he determined would require Ace-Saginaw to pay too much in withdrawal liability 77-95% of the time. In an issue of first impression, the Court also upheld the district court's decision to give the fund another chance to calculate Ace's withdrawal liability.

2. *T.E. v. Anthem Blue Cross Blue Shield*, 165 F.4th 971 (6th Cir. 2026).

Plaintiff enrolled his son in a long-term residential treatment center to address his mental health issues. Anthem approved and paid for the first 21 days of treatment. It then refused to cover further care, finding the treatment was no longer medically necessary. After failed attempts at internal appeals with Anthem, plaintiff filed suit in federal court alleging Anthem's coverage denial was arbitrary and capricious under ERISA and violated the Mental Health Parity and Addiction Equity Act. The district court granted summary judgment to Anthem. On appeal, the Sixth Circuit affirmed in part, vacated in part, and remanded the case to district court with instructions to remand to Anthem for further assessment of plaintiff's coverage request. The Court reversed the district court's grant of summary judgment on plaintiff's coverage decision claim, holding Anthem's decision was procedurally arbitrary and capricious. Anthem failed to engage in reasoned decision making, did not consider all relevant evidence, ignored the opinions of treating physicians, and selectively reviewed the remainder of medical record evidence. It also failed to adequately explain any change from its earlier benefits ruling approving treatment. The district court did not err in granting

Anthem summary judgment on plaintiff's parity claim. Plaintiff failed to provide record evidence that Anthem's treatment limitations on mental health care are more restrictive than or separate from its treatment limitations on medical or surgical care.

3. *Reichert v. Kellogg Company*, 170 F.4th 473 (6th Cir. 2026).

Plaintiffs filed suit alleging their employee pension plans used outdated mortality data to calculate their benefits, which improperly decreased those benefits in violation of ERISA's actuarial equivalence requirement. The district court dismissed the actions on the ground that ERISA does not require pension plans to use particular mortality tables or actuarial assumptions in calculating benefits for married participants. The Sixth Circuit reversed and remanded for further proceedings. The Court held 29 U.S.C. §1055(d) prohibits employers from using unreasonable, inappropriate actuarial assumptions when calculating qualified joint and survivor annuities. Plaintiffs stated plausible claims for violation of §1055 and breach of fiduciary duty under ERISA.

4. *McKee Foods Corp. v. BFP, Inc.*, 173 F.4th 242 (6th Cir. 2026).

Tennessee enacted a law to limit the practice of pharmacy benefit managers (PBM) steering patients to PBM-managed pharmacies. The law banned interference with a patient's choice of pharmacy and restricted the use of incentives for patients to choose certain pharmacies over others. The law included self-funded health plans governed by ERISA. The district court held ERISA preempts Tennessee's PBM law, and the Sixth Circuit affirmed. The Court held the PBM law has an impermissible connection with ERISA. They require certain plan structures, govern a central matter of plan administration, and interfere with nationally uniform plan administration.

O. Evidence

Graf v. Morristown-Hamblen Hospital Association, 155 F.4th 578 (6th Cir. 2025)

Graf accused a co-worker of raping her during a lunch break on hospital grounds. After investigating, the hospital's HR representative determined the act was consensual. Soon afterward, the hospital terminated Graf for violating hospital policy by having sex at work on hospital grounds. Graf filed suit alleging violations of Title VII and the Tennessee Human Rights Act. Her claims for retaliation and negligent infliction of emotional distress survived summary judgment. The hospital then moved to admit evidence of Graf's sexual history including her relationship with the accused pursuant to Fed. R. Evid. 412(a). The district court allowed the hospital to introduce evidence of Graf's communications with the accused prior to and following the alleged rape. At trial, the jury returned a verdict for the hospital on all counts, and Graf appealed. The Sixth Circuit affirmed. It rejected Graf's argument that the district court erred as a matter of law in concluding that she was required to prove her reasonable and good-faith belief that she was raped to establish her Title VII retaliation claim. "In the context of a sexual harassment or assault, a Title VII complainant must demonstrate her reasonable and good-faith belief that she was subjected to the alleged harassment or assault."[25] To rebut that belief, the employer may introduce evidence the complainant believed the act was consensual, but the evidence must be narrowly tailored to the complainant's own belief in the consensual or nonconsensual nature of the alleged misconduct. Evidence that a complainant consented to other sexual conduct on different occasions cannot be offered to show consent for the incident at issue. That evidence is inadmissible under Rule 412. The Court found the district court narrowly tailored the hospital's evidentiary motion to only allow evidence relevant to show that Graf could not reasonably or in good faith believe that she had been raped. It also held the district court did not commit reversible error in admitting evidence of Graf's sexual history and predisposition. Evidence of her communications with the accused were offered for the limited purpose of showing she consented to the specific incident at issue in this case.

P. False Claims Act

U.S. ex rel. O'Laughlin v. Radiation Therapy Services, P.S.C., 148 F.4th 791 (6th Cir. 2025)

Dr. O'Laughlin filed a *qui tam* suit against his employers under the False Claims Act alleging they fraudulently billed Medicare and other federal programs for radiation and chemotherapy services. He alleged the cancer centers falsely represented that their services were either supervised or performed by qualified physicians. The district court dismissed some claims and granted summary judgment for defendants on the rest. O'Laughlin appealed, and the Sixth Circuit affirmed. A health care provider's noncompliance with government regulations constitutes actionable fraud only when compliance is a prerequisite to obtaining payment. Medicare does not require a radiologist or radiation oncologist to perform or supervise radiation services as a material precondition for payment. In addition, O'Laughlin failed to demonstrate that Leukine injections are a chemotherapy service, and defendants did not improperly bill Medicare for those services.

Q. Federal Preemption

Cox v. Total Quality Logistics, Inc., 142 F.4th 847 (6th Cir. 2025).

Cox sued Total Quality Logistics (TQL) for negligence under Ohio law following a motor vehicle accident that killed his wife. He alleged TQL, as a freight broker, negligently hired an unsafe motor carrier, resulting in the crash. The district court dismissed the suit, holding Cox's claim was preempted by the Federal Aviation Administration and Authorization Act (FAAAA). The Sixth Circuit reversed and remanded for further proceedings. The district court did not err in finding the FAAAA encompasses negligent hiring claims against brokers, including Cox's claim. However, Cox's claim falls under the FAAAA's safety exception, which exempts from preemption the safety regulatory authority of states' with respect to motor vehicles.

[25] *Id*. at 591.

There is currently a circuit split regarding whether negligent hiring claims like the one at issue in this case are "with respect to motor vehicles" under the Act. The Sixth Circuit held that when a negligent hiring claim against a broker substantively concerns motor vehicles and their safety, that claim is within "'the safety regulatory authority of a State with respect to motor vehicles'".

R. Habeas Corpus

1. *Johnson v. Plappert*, 163 F.4th 1029 (6th Cir. 2026).

The Sixth Circuit upheld the district court's denial of Johnson's petition for habeas corpus. Johnson pleaded guilty to murder over 30 years ago. He claimed in his habeas petition that the trial court failed to ensure he was entering a knowing plea because it did not ask him if he knew he was waiving his privilege against self-incrimination and right to a jury. He also claimed the trial court refused to consider all mitigating evidence in his favor when sentencing him to death. The Supreme Court of Kentucky rejected those claims on the merits. The Sixth Circuit found Johnson failed to satisfy the standards of the Antiterrorism and Effective Death Penalty Act (AEDPA). The Supreme Court of Kentucky reasonably found the record showed he knew his rights before entering his plea. It also was reasonable in finding the trial court considered all of Johnson's mitigating evidence and deemed it unpersuasive.

2. *Welch v. Plappert*, 169 F.4th 707 (6th Cir. 2026).

Welch filed a federal habeas corpus petition challenging his conviction in 2023 after exhausting the state post-conviction process. Federal law imposes a one-year statute of limitations on federal habeas petitions seeking relief from state convictions. That limitation does not begin to run while the petitioner's timely application for post-conviction relief is pending in state courts. After the state trial court rejected his motion for post-conviction relief, Welch filed a motion for belated appeal six weeks after the 30-day deadline to file a notice of appeal. Because of this, the district court held the federal tolling provision did not apply to the time Welch spent pursuing his state appeal, which barred his federal petition. Welch appealed, and the Sixth Circuit reversed. Kentucky case law recognizes an exception to the general 30-day deadline for an appeal listed in Kentucky RAP 3(A)(1). Appellate courts are required to hear direct appeals in which no appeal has been timely commenced when the failure to comply with the deadline results from lack of effective assistance of counsel to prosecute the appeal.[26] This exception was extended to post-conviction proceedings in 2006.[27] For this reason, Welch's appeal remained "pending" under state law during this time, and his federal habeas petition was timely. The Court noted, however, that if the one-year

[26] *Commonwealth v. Wine*, 694 S.W.2d 689, 693-94 (Ky. 1985).

[27] *Moore v. Commonwealth*, 199 S.W.3d 132, 136-39 (Ky. 2006).

limitations period has run before an inmate files a motion for a belated appeal, that motion does not restart the statute of limitations. The inmate will remain time-barred from filing a federal petition.

3. *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026).

Petitioners are noncitizens without lawful status who were detained pursuant to 8 U.S.C. §1225(b)(2)(A). The district court granted their habeas petitions, holding the government did not lawfully detain them under the statute. In addition, their detention without a bond hearing violated their Fifth Amendment due process rights. The Sixth Circuit affirmed. It joined the Second and Eleventh Circuits in holding §1225(b)(2)(A) does not apply to noncitizens like petitioners.

S. Horseracing

1. *Churchill Downs Technology Initiatives Company v. Michigan Gaming Control Board*, 162 F.4th 631 (6th Cir. 2025).

TwinSpires, an Oregon-based business unit of Churchill Downs, accepts interstate wagers on horse races. This is legal under the Interstate Horseracing Act if it obtains consent from state regulators and the racetrack's racing association. Michigan required electronic betting platforms like TwinSpires to partner with a licensed racetrack in the state and obtain a license of their own. When Michigan's only licensed racetrack temporarily lost its race meeting license, Michigan instructed all third-party facilitators to stop accepting bets from Michigan residents. TwinSpires refused, and Michigan suspended its license. TwinSpires filed suit, arguing the IHA preempts Michigan's licensing requirements. It also moved to enjoin Michigan's enforcement of those requirements. The district court entered a preliminary injunction preventing Michigan from enforcing its state licensing requirement against TwinSpires. The Sixth Circuit affirmed, holding TwinSpires is likely to succeed on a conflict-preemption theory. Michigan cannot condition the legality of interstate wagers on state requirements that add to the IHA's consent scheme. In addition, TwinSpires met its burden to establish irreparable injury.

2. *Oklahoma v. U.S.*, 163 F.4th 294 (6th Cir. 2025).

The Sixth Circuit rejected Oklahoma's facial challenge to the amended Horseracing Integrity and Safety Act because the law, as amended, gives the FTC and not the Horseracing Authority the final say over its key rulemaking and enforcement provisions.

T. Immigration

1. *Perez v. Bondi*, 160 F.4th 710 (6th Cir. 2025).

An immigration judge granted Petitioner cancellation of removal under 8 U.S.C. §1229b(b)(1)(D) in 2020 when his youngest daughter and qualifying child was 17. The government appealed, and the Board of Immigration Appeals did not resolve the case until 2025. The Board determined his daughter was then over age 21 and was no longer a qualifying child under the INA. It cancelled Petitioner's cancellation of removal and ordered him removed to Guatemala. The Sixth Circuit granted Petitioner's petition for review and reversed. The Court held the correct time to ascertain the age of a qualifying child under §1229b(b)(1)(D) on an application for cancellation of removal is the date of the immigration judge's adjudication. It noted that following the U.S. Supreme Court's decision in *Loper Bright*[28] it is no longer obligated to defer to the Board's interpretation of the INA. The Court remanded to the Board for further proceedings consistent with its opinion.

2. *Sarkisov v. Bondi*, 160 F.4th 696 (6th Cir. 2025).

Under the Violence Against Women Act (VAWA), individuals seeking to reopen their proceedings to obtain cancellation of removal have a one-year period to file. Beyond that, the Attorney General may waive that time limitation in the case of an individual who demonstrates extraordinary circumstances or extreme hardship to his/her child. In an issue of first impression, the Sixth Circuit held it has jurisdiction to review a Board of Immigration Appeals determination that a petitioner failed to present extraordinary circumstances warranting the Attorney General's exercise of discretion to reopen a VAWA applicant's removal proceedings. The Court denied Sarkisov's petition for review in the instant case, holding the Board did not err in finding the abuse he suffered did not constitute extraordinary circumstances excusing a six-year delay in filing.

3. *Pineda-Guerra v. Bondi*, 161 F.4th 426 (6th Cir. 2025).

The immigration judge rejected Petitioners' application for asylum, withholding of removal, and protection under the Convention Against Torture. They appealed to the Board of Immigration Appeals and timely submitted a brief. The Board rejected the brief because it listed an address for their attorney that was different than the address provided on the attorney's notice of appearance. Petitioners corrected and resubmitted the brief, but the Board denied their request to accept the now-late filing. The Board then denied their appeal on the basis they did not file a supporting brief. Petitioners sought review in the Sixth Circuit which held the Board abused its discretion in rejecting the amended brief and denying the appeal on the basis that

[28] 603 U.S. 369 (2024).

Petitioners failed to submit a brief. There is nothing in the Board's practice manual requiring that the addresses match. In addition, the attorney's address listed on the brief was a physical address where the attorney could validly receive mail. The Court granted petitioners' petition for review, reversed the Board's order, and remanded for further proceedings consistent with its opinion.

4. *Oxlaj-Perez v. Blanche*, 174 F.4th 516 (6th Cir. 2026).

The Sixth Circuit held the 30-day limitations period in 8 U.S.C. §1252(b)(1) for review of a final order of removal is subject to equitable tolling. The Court found petitioner was not entitled to tolling based on the facts in the record and dismissed his petition as untimely. Petitioner had actual notice of the filing requirement because it was included with the Board's decision. He failed to establish that he acted diligently during the 79 days he waited before filing his petition for review.

U. Labor & Employment Law

1. *Pulsifer v. Westshore Christian Academy*, 142 F.4th 859 (6th Cir. 2025).

Pulsifer filed suit alleging discrimination after he was fired from his position as dean of students and assistant principal at Westshore Christian Academy. The firing occurred after Pulsifer, who is African American, complained that the Academy was withholding his paychecks while regularly paying his white, female co-workers. He had also raised concerns with administration prior to the firing that the Academy's main funder, who frequented school grounds, was allegedly a sex offender. The district court granted summary judgment to the Academy. It found the nature and job functions of Pulsifer's position placed him within the category of employees covered by the ministerial exception that precludes federal and state courts from adjudicating his claims. Pulsifer appealed, and the Sixth Circuit affirmed. The First and Fourteenth Amendments preclude application of state and federal "'laws governing the employment relationship between a religious institution and certain key employees.'"[29] The Court found Pulsifer was the type of employee covered by the ministerial exception because he was responsible for furthering the Academy's mission to provide for religious education and formation of students.

2. *Jackson v. United States Postal Service*, 149 F.4th 656 (6th Cir. 2025).

Jackson, who has sickle cell anemia, worked as a USPS mail clerk. He routinely had unexcused absences and eventually continued to work under a last chance agreement that stated he would be terminated if he continued to be absent from work on days not covered under the FMLA. After being

[29] *Our Lady of Guadalupe School v. Morrisy-Berru*, 591 U.S. 732, 737 (2020).

terminated for his continued absences, Jackson filed suit claiming several of his absences were covered by the FMLA and USPS's decision to terminate him violated the FMLA and the Rehabilitation Act. The district court granted summary judgment for USPS in part, finding Jackson had failed to establish a *prima facie* case that he qualified for FMLA leave on all but one of the disputed dates. It also held he failed to put USPS on notice that he required accommodations as required by the Rehabilitation Act. The Sixth Circuit affirmed in part and reversed in part. It upheld the district court's determination that Jackson was not entitled to FMLA leave on two of the dates in question. The Court held the district court erred in finding an estimated number of days of intermittent FMLA leave stated on a medical certification does not operate as an exact limit of eligible days of leave an employee can take. Because the district court erred in holding Jackson's medical certification categorically barred him from taking FMLA leave on the remaining dates in question, the Court reversed and remanded for consideration whether there was a genuine issue of material fact as to whether Jackson gave notice for his FMLA leave on either day. The Court also vacated the district court's decision that Jackson failed to make out a *prima facie* case that his termination interfered with his rights under the FMLA. If on remand the district court finds there is a genuine issue of material fact as to one more unexcused absence, it should hold Jackson's FMLA interference claim cannot survive summary judgment. The Court affirmed the district court's holding as to Jackson's Rehabilitation Act claim.

3. *National Labor Relations Board v. Starbucks Corporation*, 159 F.4th 455 (6th Cir. 2025).

A Starbucks barista led a movement to organize a union at her store. Several months later, Starbucks fired her because she left an employee alone in the café without telling a supervisor or co-manager in violation of company policy. Workers United pursued unfair labor practices charges against Starbucks on the barista's behalf claiming the company unlawfully terminated her to end organizing efforts. The Board thereafter filed a consolidated complaint against Starbucks alleging it violated the NLRA by terminating the barista in retaliation for her union activity. The ALJ, affirmed by the Board, found the barista showed sufficient union animus by her supervisors to satisfy the retaliation claim. The Board ordered Starbucks to make the barista whole for any loss of earnings, benefits, and "'any other direct or foreseeable pecuniary harms suffered as a result of the discrimination against her.'"[30] The Court granted the Board's petition for enforcement of its decision that Starbucks committed an unfair labor practice. However, it vacated the remedy and remanded because the Board exceeded its statutory authority in awarding the barista "direct or foreseeable" monetary damages. The Board's authority to order employers to

[30] *Id.* at 467.

take "affirmative action" encompasses only equitable remedies such as reinstatement and backpay.

4. *Edwards v. Shelby County, Tennessee*, 159 F.4th 489 (6th Cir. 2025).

Edwards filed suit under the ADA alleging the County discriminated against her based on her night blindness, retaliated against her for requesting an accommodation, and failed to accommodate her asthma as a separate condition. A jury found for Edwards on all three claims. The district court denied the County's motion for judgment as a matter of law under Fed. R. Civ. P. 50, and the Sixth Circuit affirmed the district court's entry of judgment for Edwards. It rejected the County's arguments that Edwards's night blindness and asthma do not qualify as a disability under the ADA. Edwards provided detailed testimony regarding the effects of her impairments on her daily functioning, and the jury's determination that she is disabled was not unreasonable. The Court noted the ADA favors individualized inquiries over categorical approaches in analyzing a plaintiff's substantial limitations on major life activities due to their alleged disabling condition. It also noted the ADA does not require an individual to be entirely unable to perform a major life activity to qualify as disabled.

5. *Smith v. Michigan Department of Corrections*, 159 F.4th 1067 (6th Cir. 2025).

In an issue of first impression, the Sixth Circuit held §504 of the Rehabilitation Act does not provide a private cause of action for retaliation. Section 504(d) incorporates from the ADA only adjudicatory standards, not a new cause of action. "[It] functions as a technical cross-reference provision; it is structurally and linguistically ill-suited to serve as the source of an implied right to sue."[31] The Court affirmed the judgment in favor of the Michigan Department of Corrections because it cannot be liable for a cause of action that does not exist. It also affirmed the district court's grant of summary judgment to MDOC on plaintiff's failure to accommodate claim. Plaintiff failed to create a genuine dispute as to whether he is otherwise qualified for the position of corrections officer, with or without a reasonable accommodation.

6. *Bowles v. SSRG II, LLC*, 162 F.4th 716 (6th Cir. 2025).

Bowles was hired by Chicken Salad Chick to serve as a cashier/service-team member at one of its restaurants. Bowles suffers from arthritis in her knees and requested an accommodation allowing her to sit for five minutes after every 10 minutes standing on the job. The restaurant refused her request, and she filed suit under the ADA and Kentucky Civil Rights Act. The district court granted summary judgment to the restaurant, finding Bowles's requested accommodation was unreasonable as a matter of law. The Sixth Circuit

[31] *Id*. at 1082.

affirmed. It found versatility and mobility were essential functions of the cashier/service-team member position since those workers were required to multi-task throughout the restaurant for the entirety of their shift. Granting Bowles's accommodation would have altered essential functions of that position and placed extra work on other staff members while she was seated at the cash register. Her interactive-process claim fails because such a claim presupposes the existence of a reasonable accommodation.

7. *Brown-Forman Corporation v. National Labor Relations Board*, 169 F.4th 646 (6th Cir. 2026).

An ALJ held Brown-Forman committed unfair labor practices and interfered with its employees' efforts to unionize by giving them better compensation and free bottles of bourbon immediately before the union election. The NLRB adopted the ALJ's factual findings and relied on the standard in *Cemex Construction Materials Pacific, LLC*[32] to determine a new election could be held. The Sixth Circuit held the *Cemex* standard, which calls for the Board to issue a bargaining order as the default remedy after setting aside an election, was created through an improper exercise of the Board's adjudicatory authority and cannot serve as the basis for a bargaining order. The Court granted Brown-Forman's petition for review, denied the Board's cross-petition for enforcement, and remanded for the Board to reconsider the matter under the proper standard.

8. *U.S. Department of Labor v. Americare Healthcare Services*, 171 F.4th 838 (6th Cir. 2026).

The Department of Labor brought an enforcement action against Americare, a third-party provider of home health services, and its owner for failing to compensate employees under the Fair Labor Standards Act (FLSA) for overtime hours worked. Under a 2013 DOL regulation, third-party employers of home health care workers are not permitted to claim either the companionship services exemption or the live-in exemption to FLSA's overtime requirements. Defendants argued the regulation is invalid under the Administrative Procedure Act, and the FLSA's overtime requirements are not enforceable against them because they are entitled to claim the two exemptions. The district court granted summary judgment to the DOL, and the Sixth Circuit affirmed. The Court found the regulation is a valid exercise of the Secretary of Labor's expressly delegated authority as to both exemptions. In addition, defendants lack standing to challenge the companionship services definition.

[32] 372 NLRB No. 130, 2023 WL 5506930 (2023).

V. Lanham Act

Victory Global, LLC v. Fresh Bourbon, LLC, 170 F.4th 1014 (6th Cir. 2026)

Brough Brothers (doing business as Victory Global) filed suit against Fresh Bourbon for false advertising under the Lanham Act, 15 U.S.C. §1125(a). It took issue with Fresh Bourbon's claims to be the "first black owned distillery in Kentucky" or have the "first African American Master Distiller in Kentucky since slavery." The district court granted summary judgment to Fresh Bourbon, and the Sixth Circuit affirmed. Businesses cannot bring claims against competitors for a subjective opinion or "puffery" about the competitor's product. The district court held Fresh Bourbon made, at most, misleading but not literally false statements, and Brough Brothers failed to introduce evidence that the challenged statements deceived consumers. Brough Brothers also failed to show that Fresh Bourbon's allegedly misleading statements materially affected consumer purchasing decisions.

W. Paycheck Protection Program

Veltor Underground, LLC v. U.S. Small Business Administration, 143 F.4th 727 (6th Cir. 2025)

During the Covid-19 pandemic, Veltor applied for and received a $125,000 forgivable loan through the Paycheck Protection Program. On its application, Veltor claimed it had six employees. The Small Business Administration thereafter declined to forgive the loan because those six employees were actually independent contractors. The district court found for the SBA, and the Sixth Circuit affirmed. It held Vector's payments to independent contractors do not qualify as payroll costs, and it must repay the loan.

X. Qualified Immunity

Johnson v. Russell, 155 F.4th 759 (6th Cir. 2025)

After receiving reports from other students that Johnson's son had a gun at school, a teacher searched his locker and belongings. The teacher also asked the student to pull down his pants and lift his shirt up so that the teacher could see if he was carrying a gun on his person. When the student was suspended a few days later for a different incident, the same teacher locked him in a breakroom for 20 minutes while he served the in-school suspension. Johnson filed suit against the teacher, school district, and its officials alleging they had violated her son's constitutional and statutory rights. The district court awarded summary judgment to every defendant except the teacher. The district court denied the teacher qualified immunity. It found certain disputed facts required a jury decision. The teacher filed an interlocutory appeal, and the Sixth Circuit reversed. The Court noted Johnson failed to raise a Fourth Amendment claim in her complaint or summary judgment briefing, and the district court improperly created and analyzed that issue on its own. Setting that fact aside, the Court found the teacher's conduct did not violate the student's constitutional rights. His decision to search the student was valid from the inception. In addition, it was not clearly established at the time of the search that the teacher exceeded the permissible scope of his search for a gun at school when he asked the student to take off his pants. The Court held the teacher is entitled to qualified immunity on Johnson's unreasonable seizure claim because it was not clearly established then or now that the teacher's conduct violated the Fourth Amendment. There is no published opinion whether or how the Fourth Amendment's guarantee against unreasonable seizures applies in the public school context. The Court reversed and remanded with instructions to dismiss the Fourth Amendment claims against the teacher.

Y. RICO

Hall v. Trivest Partners L.P., 178 F.4th 986 (6th Cir. 2026)

Plaintiffs filed a civil RICO suit in Michigan federal court against nine Florida corporations without contacts in the state. The district court held it had personal jurisdiction over the defendants under 18 U.S.C. §1965(b) because litigation of the case in Michigan would be as convenient for the parties as litigation in Florida. The Sixth Circuit reversed, holding those reasons are insufficient as a matter of law under the statute. The interests of convenience cannot require, for purposes of §1965(b), that a defendant be made to appear in a district in which it lacks minimum contacts.

Z. Securities

Smith v. Securities and Exchange Commission, 178 F.4th 312 (6th Cir. 2026)

One of FINRA's regulations requires applicants interested in taking the Series 7 exam to first register with FINRA or be associated with a FINRA member firm. Smith declined to register. He sought review of the SEC's order upholding sanctions against him for violating securities-related laws and administrative rules. He argued FINRA lacked jurisdiction over him and the proceedings before the SEC violated Article III and the Seventh Amendment. The Sixth Circuit refused to consider Smith's constitutional arguments because he failed to raise them before the SEC. It denied his petition for review, holding FINRA had statutory jurisdiction over him despite his refusal to register.

AA. Sentencing

1. *U.S. v. Parkey*, 142 F.4th 866 (6th Cir. 2025).

Parkey pleaded guilty to causing a minor to engage in sexually explicit conduct for the purpose of producing child pornography. During sentencing, the district court applied two Sentencing Guidelines enhancements for using a minor to commit the offense and for engaging in a pattern of prohibited, sexually explicit activity. Parkey appealed his sentence, and the Sixth Circuit affirmed. The district court did not double count Parkey's use of a minor when it applied Guideline §3B1.4 because his conviction was based on his use of the minor as the subject of the sexually explicit photos. The district court applied the §3B1.4 enhancement to account for the fact Parkey also used the minor as the photographer. In addition, the district court did not err in considering activity beyond the offense of conviction under §4B1.5 to find Parkey engaged in a pattern of activity involving prohibited sexual conduct.

2. *U.S. v. Hoyle*, 148 F.4th 396 (6th Cir. 2025).

Hoyle pleaded guilty to being a felon in possession of a firearm and admitted his conduct violated a condition of his supervised release. The district court sentenced him to 96 months in prison for the felon-in-possession charge and 24 months for the supervised release violation. On appeal, the Sixth Circuit affirmed in part, reversed in part, and remanded to the district court for further proceedings. The Court held the district court did not commit plain error by failing to ensure he made a knowing and voluntary waiver of his right to a revocation hearing under Fed. R. Crim. P. 32.1(b)(2). Hoyle was advised of his rights under Rule 32.1(b)(2) and the consequences of waiving them over the course of several proceedings before the magistrate judge and district court. However, the Court held the district court improperly relied on retribution and punishment factors under §3553(a) for Hoyle's supervised release violation sentence, citing *Esteras v. U.S.*[33] On remand, the district court must resentence Hoyle for the supervised release violation considering only the factors set forth in §3583(e).

3. *U.S. v. Durham*, 151 F.4th 821 (6th Cir. 2025).

The district court held defendants Durham and Barnes were subject to the Armed Career Criminal Act's mandatory minimum term of imprisonment because they each had at least three prior qualifying convictions for offenses that occurred on different occasions. An intervening decision, *Ehrlinger v. U.S.*,[34] held that a jury rather than a judge must determine whether crimes occurred on different occasions for the purposes of the ACCA. At issue in this appeal was whether the district court's failure to submit this question to a jury was harmless. The Sixth Circuit affirmed the district court's judgment as to Durham but vacated Barnes' sentence and remanded for further proceedings. As to Durham, the Court found it is beyond a reasonable doubt that a jury would have found at least two of his 2010 and 2011 offenses occurred on different occasions. The district court's failure to submit that question to a jury was harmless. As to Barnes, the Court held reasonable doubt existed as to whether at least two of his three August 2008 offenses occurred on different occasions. The offenses are separated by less than a month, and the first two occurred at the same location involving the same *modus operandi*.

[33] 606 U.S. 185 (2025). In *Esteras*, the U.S. Supreme Court held district courts cannot consider §3553(a)(2)(A) when deciding whether to revoke supervised release.

[34] 602 U.S. 821 (2024).

4. *Hargrove v. Healy*, 155 F.4th 530 (6th Cir. 2025).

The Court held First Step Act time credits cannot be used to reduce a supervised release term. The credits can only be used to reduce a prison term. The Court dismissed Hargrove's appeal as moot because he has already been placed on supervised release.

5. *U.S. v. Riley*, 155 F.4th 787 (6th Cir. 2025).

Riley was entitled to resentencing under Amendment 821 to the Sentencing Guidelines. His counsel and the government stipulated to a recommended sentence which the district court imposed. Riley then filed a motion for reconsideration, stating he was proceeding *pro se* to make clear his counsel agreed to the stipulation without his knowledge or consent and that a lower sentence was warranted. The district court denied the motion without reaching the merits on the basis it was not filed through counsel and constituted improper hybrid representation. On appeal, the Sixth Circuit vacated the district court's judgment and remanded for further proceedings. Once Riley made it clear to the court he wanted to proceed *pro se* because his counsel agreed to a revised sentence without his consent, the district court then had an obligation to address that allegation directly in deciding his *pro se* motion. His motion did not amount to hybrid representation to the extent it raised the issue regarding whether his counsel entered a stipulation on his behalf without his consent. On remand, the district court must conduct a proper inquiry into whether Riley wishes to dismiss his counsel and whether he is entitled to do so. It should then proceed to the remainder of Riley's motion as is appropriate based on the outcome of that inquiry.

6. *U.S. v. Dale*, 156 F.4th 757 (6th Cir. 2025).

The Sixth Circuit affirmed the district court's reduction of defendants' sentences from life imprisonment to terms of years under the First Step Act. They were initially sentenced for a conspiracy involving crack and powder cocaine and several homicides. The Court held a district court has discretion under the First Step Act to reduce a sentence imposed for a non-covered offense when it is part of a sentencing package with a covered offense. The district court's decision was unclear regarding whether and how the homicide sentences formed sentencing packages with the drug conspiracy sentence. Because of this, the Court vacated the sentences imposed by the district court on resentencing and remanded for further proceedings consistent with its opinion.

7. *U.S. v. Tooley*, 155 F.4th 883 (6th Cir. 2025).

The Sixth Circuit held the offense of second-degree manslaughter in Kentucky does not constitute a crime of violence under the Sentencing Guidelines. "Wantonness" under Kentucky law is functionally identical to recklessness as defined in *Borden v. U.S.*[35] As such, a crime requiring a *mens rea* of wantonness under Kentucky law is not a crime of violence under the Sentencing Guidelines. The district court erred in classifying Tooley's conviction of Kentucky second-degree manslaughter as a crime of violence under the Guidelines. The Court vacated Tooley's sentence and remanded for resentencing consistent with its opinion.

8. *U.S. v. Vowels*, 159 F.4th 1095 (6th Cir. 2025).

The Court held that the depiction of pubescent minors engaged in penetrative sexual activity alone without any indication of pain or humiliation cannot justify application of the sadism sentencing enhancement under Sentencing Guideline §2G2.1(b)(4)(A).

9. *U.S. v. Roper*, 161 F.4th 430 (6th Cir. 2025).

Roper was convicted of failure to register as a sex offender. The district court sentenced him to prison and a 20-year term of supervised release. In its explanation, the district court cited Roper's mental health issues and the treatment he could receive under supervision. Roper appealed his sentence to the Sixth Circuit, which affirmed. It found the sentence was both procedurally and substantively reasonable. The Court rejected Roper's argument that a district court's use of a defendant's mental illness as a factor at sentencing must be for mitigation purposes only. It also found the district court's justification was sufficiently compelling to support its upward variance of Roper's term of supervised release. The Court noted the term imposed was far below the maximum permitted under the Guidelines.

10. *U.S. v. Collins*, 171 F.4th 830 (6th Cir. 2026).

Collins began his period of supervised release in 2022. He filed three motions for early termination of his supervised release between 2023 and 2025. The district court denied his motions, noting that as a matter of custom, it would not consider a defendant's request for early termination until they have completed at least 50% of the term. Collins appealed arguing the district court abused its discretion by mechanically applying its 50% rule without properly considering the relevant factors in §3553(a). The Sixth Circuit held that district courts cannot employ a blanket rule requiring defendants to complete a certain portion of their term of supervised release without conducting an individualized assessment of the relevant §3553(a) factors. It reversed the district court's decisions and remanded for further proceedings consistent with its opinion.

[35] 593 U.S. 420 (2021).

11. *U.S. v. Barton*, 174 F.4th 1007 (6th Cir. 2026).

The Sixth Circuit held that when a district court predetermines a supervisee's revocation term of imprisonment at an earlier violation hearing, that term of imprisonment is both procedurally and substantively unreasonable. The Court vacated the district court's judgment and remanded for further proceedings consistent with its opinion.

12. *U.S. v. Ramic*, 175 F.4th 761 (6th Cir. 2026).

Ramic traveled from the U.S. to Syria where he underwent training by ISIS and participated in an attack that killed over 100,000 people. He was later convicted in the U.S. for providing material support to a terrorist group and receiving military type training from that group. His advisory sentence under the Guidelines was 360-600 months imprisonment. The district judge sentenced him to only 101 months in prison, and the government appealed. The Sixth Circuit vacated the sentence, holding the district court's substantial variance was substantively unreasonable. The district court failed to adequately weigh the seriousness of Ramic's crime, potential sentencing disparities, and the need to protect the public. In addition, the district court placed too much weight on national sentencing data. The Court remanded to the district court for resentencing consistent with its opinion.

AB. Social Security

Follen v. Commissioner of Social Security, 167 F.4th 352 (6th Cir. 2026)

The Sixth Circuit held a district court cannot remand a case to the Social Security Administration under Sentence 4 of 42 U.S.C. §405(g) without explicitly affirming, modifying, or reversing the administrative law judge's decision denying a claimant benefits. If a district court wants to remand under Sentence 4, it must decide the merits of the case. The Court vacated the district court's order in this case and remanded with directions for it to make clear what it is doing under §405(g). If it is remanding under Sentence 6, it must explicitly state it is doing so and make the Sentence 6 predicate findings in its decision. If it is remanding under Sentence 4, it must issue a final judgment on the merits of the ALJ's decision.

AC. Taxation

Oquendo v. Commissioner of Internal Revenue, 148 F.4th 820 (6th Cir. 2025).

Petitioner appealed the tax court's order dismissing her petition for reconsideration of a tax deficiency pursuant to 26 U.S.C. §6213(a) for lack of jurisdiction. She argued the tax court erred by treating the statute's 90-day petition-filing deadline as a jurisdictional requirement and not exercising its equitable authority to excuse her noncompliance with the deadline. The Sixth Circuit reversed and remanded to the tax court for consideration of Petitioner's entitlement to equitable tolling. The Court joined the Second and Third Circuits in holding §6213(a)'s petition filing deadline is not a jurisdictional rule. The Court noted Petitioner has the affirmative duty to establish her entitlement to equitable tolling on remand.

AD. Torts

Enriquez-Perdomo v. Newman, 149 F.4th 623 (6th Cir. 2025)

Plaintiff entered the U.S. illegally as a child but her order of removal was made unenforceable by the Deferred Action for Childhood Arrivals (DACA) program. She was detained by ICE agents with a warrant or probable cause at a Louisville ICE facility where she regularly posted bond for those in custody. She was then moved repeatedly across the country over the next eight days. Following her release she filed suit against the ICE agents alleging violation of her First, Fourth, and Fifth Amendment rights and relying on the *Bivens*[36] case to establish a federal cause of action. Her First Amendment claims were dismissed following a previous appeal. On remand, the district court granted summary judgment to defendants, holding Plaintiff's Fourth and Fifth Amendment claims were invalid extensions of *Bivens*. Plaintiff appealed, and the Sixth Circuit affirmed. The Court held Plaintiff's claims constitute new contexts to which *Bivens* cannot extend. Plaintiff has alternative remedies for her Fourth Amendment violations through complaint procedures under the Immigration and Nationality Act and *habeas corpus* for unlawful detentions. In addition, Plaintiff's Fifth Amendment claim presents a new context under *Bivens* because the event in question took place outside of the employment context and involved a federal officer of a different rank and in a different branch of government.

III. U.S. SUPREME COURT CASES

A. Arbitration

1. *Flower's Foods, Inc. v. Brock*, 146 S.Ct. 1358 (2026).

The Court held a worker who transports goods on an intrastate leg of an interstate journey can qualify for the Federal Arbitration Act §1[37] exemption without crossing state lines or interacting with vehicles that do.

2. *Jules v. Andre Balazs Properties*, 146 S.Ct. 1209 (2026).

The Court held a federal court that has previously stayed claims in a pending arbitration under §3[38] of the Federal Arbitration Act has jurisdiction to confirm or vacate a resulting arbitral award on those claims as outlined in §§9 and 10[39]

[36] *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

[37] 9 U.S.C. §1.

[38] 9 U.S.C. §3.

[39] 9 U.S.C. §§9 and 10.

of the FAA. Nothing in the FAA precludes the normal operation of federal jurisdiction regarding live claims pending before a federal court.

B. Bankruptcy

Keathley v. Buddy Ayers Construction, Inc., 146 S.Ct. 1532 (2026)

The Court held that to determine whether an omission of a claim in the bankruptcy context was inadvertent or mistaken for purposes of judicial estoppel, courts should look to the totality of the circumstances surrounding the omission. The Fifth Circuit erred in this case by artificially narrowing its inquiry to whether the debtor had knowledge of the underlying facts or a potential motive to conceal the claim.

C. Civil Procedure

1. *Berk v. Choy*, 607 U.S. 187 (2026).

   Delaware law states a person cannot bring a medical malpractice suit unless a medical professional attests to the suit's merit in an affidavit that accompanies the plaintiff's complaint. The Supreme Court held this law does not apply in federal court. Fed. R. Civ. P. 8 details the information a plaintiff must present regarding the merits of a claim at the outset of litigation.

2. *Coney Island Auto Parts Unlimited, Inc. v. Burton*, 607 U.S. 155 (2026).

   The Court held Fed. R. Civ. P. 60(c)(1)'s reasonable time limit applies to a motion alleging that a judgment is void under Rule 60(b)(4).

3. *The Hain Celestial Group, Inc. v. Palmquist*, 607 U.S. 421 (2026).

   The Palmquists filed suit against Hain Celestial Group and Whole Foods in Texas state court alleging state law product liability and negligence against Hain and state law breach of warranty and negligence against Whole Foods. Hain removed the case to federal court based on diversity of citizenship. However, the Palmquists and Whole Foods are Texas citizens, and the district court lacked jurisdiction as the case stood upon removal. Hain then argued Whole Foods had been improperly joined and should be dismissed. The district court dismissed Whole Foods and denied the Palmquists' motion to remand. On appeal, the Fifth Circuit reversed the district court's improper joinder decision and dismissal of Whole Foods. It held because the district court lacked diversity jurisdiction, its order must be vacated and the case remanded to state court. The Supreme Court affirmed. The district court's erroneous dismissal of Whole Foods did not cure the jurisdictional defect that existed when the case was removed to federal court.

4. *GEO Group, Inc. v. Menocal*, 607 U.S. 438 (2026).

GEO Group operates a private detention facility in Colorado under a contract with the U.S. Immigration and Customs Enforcement (ICE). Respondent, a former detainee there, filed a class action suit alleging GEO's work policies for detainees violate federal law against forced labor and Colorado's prohibition on unjust enrichment. GEO responded that the suit must be dismissed under *Yearsley v. W. A. Ross Construction Co.*,[40] which held a federal contractor cannot be held liable for conduct the government has lawfully authorized and directed the contractor to perform. The district court held *Yearsley* did not relieve GEO of legal responsibility and directed the matter to trial. On immediate appeal, the Tenth Circuit dismissed for lack of jurisdiction, holding an order denying *Yearsley* relief does not qualify for interlocutory appeal under *Cohen v. Beneficial Industrial Loan Corp.*[41] The Supreme Court granted *certiorari*, affirmed and remanded. The Court held because *Yearsley* gives federal contractors a potential merits defense rather than an immunity from suit, a pretrial order denying *Yearsley* protection is not immediately appealable.

5. *Chevron USA Inc. v. Plaquemines Parish, Louisiana*, (2026).

Parishes in Louisiana filed 42 state court suits against oil and gas companies under the State and Local Coastal Resources Management Act. Chevron filed to move its suit to federal court under the federal officer removal statute, 28 U.S.C. §1442(a)(1). It argued the suit related to its contractual duties to refine crude oil into avgas for the U.S. military during the war. The district court granted the parish's motion to remand to state court, and the Fifth Circuit affirmed. The Supreme Court reversed. It held Chevron plausibly alleged a close relationship between its crude oil production and its federal avgas refining duties and has therefore satisfied the "relating to" requirements of the federal officer removal statute.

6. *Enbridge Energy, LP v. Nessel*, 146 S.Ct. 1074 (2026).

The Michigan attorney general filed suit in state court seeking to stop Enbridge's operation of a petroleum pipeline by having a 1953 easement declared void and Enbridge's continued operations declared unlawful. Instead of removing the case to federal court within 30 days under 28 U.S.C. §1446(b)(1), Enbridge litigated the case in state court for months. Over a year after the 30-day deadline passed, the state governor issued a notice revoking the easement and filed a separate suit against Enbridge in state court. Enbridge timely removed that suit to federal court, and the attorneys general's case was held in abeyance while the federal proceedings progressed. The

[40] 309 U.S. 18 (1940).

[41] 337 U.S. 541 (1949).

governor dismissed her lawsuit when the district court denied her motion to remand, finding federal question jurisdiction satisfied. Enbridge thereafter removed the instant action to federal court. The attorney general filed a motion for remand, which the district court denied. It found equitable principles justified excusing the untimely removal and certified its order for interlocutory appeal. The Sixth Circuit reversed, holding that §1446(b)(1) is nonjurisdictional and not subject to equitable tolling. The Supreme Court affirmed. The statute's text, structure, and context are inconsistent with equitable tolling, and Enbridge's removal was untimely.

7. *T. M. v. University of Maryland Medical System Corp.*, 146 S.Ct. 1739 (2026).

The Court held the *Rooker-Feldman* doctrine bars federal district court jurisdiction over cases brought by state court losers complaining of injuries caused by state court judgments rendered before the district court proceedings commenced and seeking district court review and rejection of those judgments. This is regardless of whether the state court judgment remains subject to further review in state appellate proceedings.

D. Civil Rights

1. *Chiles v. Salazar*, 146 S.Ct. 1010 (2026).

Colorado passed a law prohibiting licensed counselors from engaging in conversion therapy with minors. This included any practice or treatment attempting to change an individual's sexual orientation or gender identity and efforts to change behavior, gender expressions, or eliminate same sex sexual or romantic attachments. The law allowed counselors to provide acceptance, support, and understanding for identity exploration or development and assist persons undergoing gender transition. Chiles filed suit in federal court for a preliminary injunction, arguing a First Amendment challenge to the law as applied to her talk therapy practice. The district court and Tenth Circuit denied her request. The Supreme Court granted *certiorari* to resolve a circuit split over how the First Amendment applies to laws like Colorado's as applied to talk therapy. The Court reversed and remanded, holding Colorado's law banning conversion therapy, as applied to Chiles, regulates speech based on viewpoint. The lower courts erred by failing to apply sufficiently rigorous First Amendment scrutiny.

2. *First Choice Women's Resource Centers, Inc. v. Davenport*, 146 S.Ct. 1114 (2026).

First Choice is a religious nonprofit organization providing counseling and resources to pregnant women in New Jersey. It does not provide abortions or refer clients to other providers for abortions. The state attorney general issued a consumer alert alleging that groups like First Choice were trying to prevent people from accessing reproductive health care by providing false or misleading information about abortion. The attorney general served First

Choice with a subpoena commanding production of 28 categories of documents including donors' personal information. First Choice filed suit under 42 U.S.C. §1983 in federal court seeking an injunction to prevent the attorney general from enforcing the subpoena and arguing the demand for donor information violated its First Amendment rights. First Choice argued its inability to guarantee donor anonymity under the subpoena's demands injured it by discouraging donors from associating with it. The district court denied the motion for a preliminary injunction, finding the group failed to state a justiciable claim because absent a state order compelling production, First Choice had yet to suffer an injury from the subpoena and lacked Article III standing. The Third Circuit affirmed. The Supreme Court granted certiorari, reversed and remanded. The Court held First Choice has stated a present injury to its First Amendment associational rights sufficient to confer Article III standing.

3. *Olivier v. City of Brandon, Mississippi*, 607 U.S. 552 (2026).

The city of Brandon adopted an ordinance requiring all individuals or groups engaging in "protests" or "demonstrations" around the time events were scheduled to stay within a designated protest area. Olivier, a street preacher, was arrested for violating the ordinance and pleaded no contest in municipal court. Olivier filed suit against the city in federal court under §1983 alleging the ordinance violates his First Amendment right to free speech by restricting him and other speakers to the protest area. Olivier requested only prospective relief and did not request reversal of or compensation for his prior conviction. The parties disputed whether *Heck v. Humphrey*[42], which prohibits using §1983 to challenge the validity of a prior conviction or sentence to obtain release from custody or monetary damages, bars Olivier's suit from proceeding. The Court held the suit seeking purely prospective relief in the form of an injunction preventing the city from enforcing the ordinance in the future can proceed notwithstanding Olivier's prior conviction for violating the ordinance. *Heck* does not bar the action.

E. Constitutional Law

1. *Landor v. Louisiana Department of Corrections and Public Safety*, 146 S.Ct. 1931 (2026).

Landor filed suit under the Religious Land Use and Institutionalized Persons Act (RLUIPA) alleging Louisiana Department of Corrections (LDOC) officers shaved his head despite knowing his Rastafarian religious convictions require him to leave his hair uncut. The officers moved to dismiss, arguing that while their employer may have agreed to answer private suits under RLUIPA, they were not parties to that agreement and Landor had no federal cause of action against them. The district court dismissed the claims against both the officers

[42] 512 U.S. 477 (1994).

and LDOC. Landor appealed only the dismissal of his claim against the officers to the Fifth Circuit, which affirmed. The Supreme Court granted *certiorari* and affirmed. The Court held individuals cannot be held liable in their individual capacities under a Spending Clause statute unless they have voluntarily and knowingly consented to answer lawsuits under the statute. Because the individual defendants in this case did not do so, Landor's suit against them cannot proceed.

2. *Trump v. Slaughter*, 146 S.Ct. 2283 (2026).

The Federal Trade Commission is led by five Commissioners, each of whom serve for seven years. Under 15 U.S.C. §41, they may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. In January 2025, the President fired two of the FTC's Democratic appointees. Slaughter filed suit alleging her removal was *ultra vires* and violated the Administrative Procedures Act and Constitution. The district court granted her summary judgment, stating *Humphrey's Ex'r v. U.S.*[43] carves out an exception for the FTC from the President's power to remove executive officers at will. The Court held the FTC's removal for cause provision is contrary to the Constitution's separation of powers. The President may remove his subordinates at will.

3. *Pung v. Isabella County, Michigan*, (2026).

The Court held the proper baseline for measuring "just compensation" following a tax sale is the auction sale price, not a property's hypothetical fair market value, when the sale is fairly conducted in light of the country's history of tax sales.

4. *Trump v. Barbara*, 146 S.Ct. 2438 (2026).

The Court held children born in the U.S. to parents unlawfully or temporarily present are subject to the jurisdiction of the U.S. and are citizens at birth under the Fourteenth Amendment's Citizenship Clause.

5. *Federal Communications Commission v. AT&T, Inc.*, 146 S.Ct. 1418 (2026).

The Court held it does not violate the Seventh Amendment for the Commission to issue forfeiture orders without the involvement of a jury. Forfeiture orders under 47 U.S.C. §503(b)(4) do not definitively resolve the parties' legal obligations. In addition, the Commission's factual findings in its forfeiture proceedings are not conclusive.

[43] 295 U.S. 602 (1935).

F. Copyright Law

Cox Communications, Inc. v. Sony Music Entertainment, 146 S.Ct. 959 (2026)

Cox Communications is an internet service provider with approximately six million subscribers. Sony Music filed suit against Cox in federal court asserting two theories of secondary copyright liability. It alleged Cox contributed to its users' infringement by continuing to provide internet service to users whose IP addresses it knew were associated with infringement. Sony also alleged Cox was vicariously liable for its users' infringement. A jury found for Sony on both theories, found Cox's infringement to be willful, and awarded $1 billion in statutory damages. The Fourth Circuit affirmed as to contributory liability but reversed as to vicarious liability. The Supreme Court granted *certiorari* regarding the issue of contributory liability. The Court held a provider of a service is contributorily liable for a user's copyright infringement only if it intended that the provided service be used for infringement. This can be shown only if the party induced the infringement or the provided service is tailored to that infringement. Cox neither induced its users' infringement nor provided a service tailored to that infringement and is not contributorily liable for the infringement of Sony's copyrights.

G. Criminal Law

1. *Villareal v. Texas*, 2026 WL 1377062 (May 18, 2026).

Villareal's testimony during his murder trial was interrupted by a 24-hour overnight recess. The trial judge instructed defense counsel to not "manage" his testimony during that time but clarified Villareal was not prohibited from talking to his attorneys about other topics such as possible sentencing issues. The Court affirmed. It held a qualified conferral order that prohibits only discussion of the defendant's testimony for its own sake during a mid-testimony overnight recess permissible balances the defendant's Sixth Amendment right to counsel against the burden of offering unaltered trial testimony and does not violate the Constitution.

2. *Barrett v. U.S.*, 607 U.S. 128 (2026).

The Court held Congress did not clearly authorize convictions under both 18 U.S.C. §924(c)(1)(A)(i) and (j) for a single act that violates both provisions. One act that violates both provisions may only spawn one conviction. The Court reversed the portion of the Second Circuit's decision holding otherwise.

3. *Ellingburg v. U.S.*, 607 U.S. 163 (2026).

The Court held that restitution under the Mandatory Victims Restitution Act of 1996 is criminal punishment for purposes of the Ex Post Facto Clause.

4. *U.S. v. Hemani*, 146 S.Ct. 1677 (2026).

The government searched Hemani's home based on suspicion of terrorism-related activities. Hemani surrendered the gun he kept at home, pointed out marijuana to law enforcement, and admitted to using marijuana regularly. Six months later, the government prosecuted him under 18 U.S.C. §922(g)(3) for knowingly possessing a gun in his home while being an unlawful user of a controlled substance. The district court granted his motion to dismiss the indictment, finding the government's effort to enforce the statute against him violated the Second Amendment. The Fifth Circuit and Supreme Court affirmed. The Court held the government's prosecution of Hemani under the statute's unlawful user provision is inconsistent with the Second Amendment.

5. *Abouammo v. U.S.*, 146 S.Ct. 1571 (2026).

The Court held a defendant charged with violating 18 U.S.C. §1519, which criminalizes knowingly falsifying a document with the intent to obstruct a federal investigation, must be tried in the district where the falsification occurred. The defendant cannot be tried in a different district where the investigation was located because no conduct constituting the offense occurred there.

6. *Pitchford v. Cain*, 146 S.Ct. 1345 (2026).

The Court held the Mississippi Supreme Court unreasonably applied the clearly established precedents in *Batson v. Kentucky*[44] and unreasonably determined Pitchford waived his opportunity to rebut the prosecutor's asserted race-neutral reasons for peremptorily striking four Black prospective jurors.

7. *Chatrie v. U.S.*, 146 S.Ct. 2193 (2026).

Following a robbery in which the perpetrator was seen using his cell phone, police applied to a state magistrate for a geofence warrant for Google. The warrant would require Google to turn over data about the cell phones being used within a 150-meter radius of the credit union. After obtaining the data and running it through a service called Location History, officers were able to identify three cell phones present in the geofence during the crime. Following further investigation, a federal grand jury charged Chatrie with robbery and related firearms offenses. The district court found the geofence warrant violated his Fourth Amendment rights but denied a motion to suppress based on the good faith exception to the exclusionary rule. On rehearing en banc, the Fourth Circuit affirmed in a *per curiam* opinion with the judges split evenly on whether a Fourth Amendment search had occurred. The Supreme Court granted *certiorari* and held police officers conducted a Fourth Amendment

[44] 476 U.S. 79 (1986).

search when they acquired Chatrie's location data from Google because an individual has a reasonable expectation of privacy in their cell phone location information. The Court vacated and remanded to the Fourth Circuit to determine whether, at each step of the search process, the warrant satisfied the Fourth Amendment's requirements of particularity and probable cause.

8. *Pitts v. Mississippi*, 146 S.Ct. 413 (2026).

Consistent with the Sixth Amendment, courts may screen a child witness from the defendant when necessary to protect the child from trauma caused by testifying in the defendant's presence at least when the trauma would impair the child's ability to communicate. Before invoking this procedure, courts must hear evidence and make a case specific finding of the requisite necessity. Pointing to a state statute that authorizes screening, even one premised on generalized findings of necessity, will not suffice.

H. Education

West Virginia v. B. P. J. by Jackson, 146 S.Ct. 2356 (2026)

The Court held Title IX allows schools to provide separate women's and men's sports teams defined by biological sex, and West Virginia permissibly maintained female sports for biological females consistent with Title IX. West Virginia and Idaho did not violate the Equal Protection Clause of the Fourteenth Amendment by maintaining female sports teams for biological females.

I. Elections

1. *Bost v. Illinois State Board of Elections*, 146 S.Ct. 513 (2026).

The Court held that, as a candidate for office, Bost has standing to challenge state rules governing the counting of votes in his election.

2. *National Republican Senatorial Committee v. Federal Election Commission*, 146 S.Ct. 2870 (2026).

The Court held the Federal Election Campaign Act, which restricts a political party's spending on campaign activities in coordination with candidates, violates the First Amendment.

3. *Watson v. Republican National Committee*, 146 S.Ct. 2165 (2026).

Federal election statutes[45] set the election of representatives, senators, and the President on a Tuesday in November. Mississippi counts at least some of its absentee ballots mailed by election day but received afterward. The

[45] 3 U.S.C. §1 and 2 U.S.C. §§1, 7.

ballots must be postmarked on or before the election date and received by the registrar no more than five business days after the election. The Supreme Court upheld Mississippi's procedure, holding the federal election day statutes do not prevent it from counting absentee ballots postmarked by election day but received up to five days thereafter. Nothing in the federal election day statutes requires ballots to be received by election day.

J. ERISA

M & K Employee Solutions, LLC v. Trustees of the IAM National Pension Fund, 146 S.Ct. 1224 (2026)

The Court held the provisions of ERISA governing the calculation of withdrawal liability, 29 U.S.C. §§1391 and 1393, do not require the actuarial assumptions underlying that calculation to be selected on or before the measurement date.

K. Federal Preemption

1. *Hencely v. Fluor Corp.*, 146 S.Ct. 1086 (2026).

Fluor Corp., a military contractor, unknowingly hired a Taliban operative to work at a U.S. base in Afghanistan. That employee later carried out a suicide bomb attack at the base. Hencely suffered brain injuries in the attack and later filed suit against Fluor in federal court seeking damages under state law for negligent supervision, negligent entrustment of tools, and negligent retention of the bomber. The district court entered summary judgment for Fluor, and the Fourth Circuit affirmed. The Supreme Court granted *certiorari*, vacated the judgment, and remanded. The Court held the Fourth Circuit erred in holding Hencely's state law tort claims were preempted when the federal government neither ordered nor authorized Fluor's challenged conduct. The Federal Tort Claims Act's combatant-activities exception protects the government's own combat-related decisions. Federal interests would preempt state law only where the challenged conduct can fairly be treated as the military's own conduct or decision.

2. *Montgomery v. Caribe Transport II, LLC*, 146 S.Ct. 1595 (2026).

The Court held a claim that one company negligently hired another to transport goods is not preempted by the Federal Aviation Administration Authorization Act because states retain authority to regulate safety with respect to motor vehicles under the Act.

3. *Monsanto Company v. Durnell*, 146 S.Ct. 2001 (2026).

The Court held the Federal Insecticide, Fungicide, and Rodentcide Act expressly preempts Durnell's state law failure to warn claim because the claim would require Monsanto to add a cancer warning to its Roundup labels.

4. *Doe v. Dynamic Physical Therapy, LLC*, 607 U.S. 11 (2026).

Louisiana state law immunized health care providers from civil liability during public health emergencies. The state court of appeals held the state statute barred plaintiff's federal claims. The Supreme Court reversed. States have no power to confer immunity from federal causes of action.

L. Federal Reserve

Trump v. Cook, 146 S.Ct. 2234 (2026)

In August 2025, the President fired Cook who was a member of the Federal Reserve System's Board of Governors. Cook filed suit alleging the attempted removal was not "for cause" as required by statute, and the President in any event failed to comply with the statute's requirement that she receive predetermination process. The district court entered a preliminary injunction to prevent her removal. The Court of Appeals declined to stay the injunction, and the government filed an application for stay in the Supreme Court. The Court denied the application for stay, finding the government has not shown that it is likely to prevail on the legal arguments put forth in the application. It noted its denial rests on the narrow ground that the President failed to afford Cook the procedural protections to which the statute entitled her. She was entitled to notice and some opportunity to respond before her termination. A final decision can only be made after Cook responds to the charges against her, and the courts then may assess the validity and sufficiency of those charges.

M. Firearms

Wolford v. Lopez, 146 S.Ct. 2032 (2026)

The Court held Hawaii's law prohibiting licensed concealed-carry permit holders from carrying handguns on private property open to the public without the owner's express authorization violates the Second and Fourteenth Amendments.

N. Habeas Corpus

1. *Bowe v. U.S.*, 607 U.S. 13 (2026).

The Court held 28 U.S.C. §2244(b)(3)(E) does not bar its review of a federal prisoner's request to file a second or successive §2255 motion for post-conviction relief. Section 2244(b)(1) does not apply to second or successive motions filed under §2255(h) by federal prisoners challenging their convictions or sentences.

2. *Fernandez v. U.S.*, 146 S.Ct. 1292 (2026).

The Court held a prisoner who collaterally attacks the validity of their conviction must proceed through 28 U.S.C. §2255, not 18 U.S.C. §3582. The supposed invalidity of a conviction is not one of the "extraordinary and compelling reasons" that justify compassionate release.

3. *Whitton v. Dixon*, 146 S.Ct. 1368 (2026).

The Court held the Eleventh Circuit erred when it considered post-trial DNA evidence in assessing whether the Florida Supreme Court reasonably determined that Ozio's testimony was immaterial to the jury's verdict. Because the evidence was not presented to the jury, it could not have influenced the jury's verdict and sheds no light on the extent to which Ozio's testimony influenced the verdict. The Court vacated the judgment and remanded the case to the Eleventh Circuit for further proceedings.

O. Immigration

1. *Urias-Orellana v. Bondi*, 607 U.S. 537 (2026).

The Court held the Immigration & Nationality Act requires courts of appeals to apply the substantial evidence standard to the Board of Immigration Appeals' determination whether a given set of undisputed facts constitutes "persecution" under 8 U.S.C. §1101(a)(42).

2. *Mullin v. Al Otro Lado*, 146 S.Ct. 2079 (2026).

The Court held an alien standing in Mexico does not "arrive in the United States" by attempting but failing to set foot in the U.S. An alien arrives in the U.S. only when they cross the border. The INA thus neither entitles an alien standing in Mexico to apply for asylum nor requires an immigration officer to inspect him.

3. *Blanche v. Lau*, 146 S.Ct. 1981 (2026).

The Court held the Immigration & Nationality Act does not require a border officer to have clear and convincing evidence that a lawful permanent resident has committed a crime of moral turpitude before deeming the resident an applicant for admission.

4. *Mullin v. Doe*, 146 S.Ct. 2121 (2026).

At issue in this case was whether respondents, who challenge the Temporary Protected Status (TPS) for aliens from Syria and Haiti, are entitled to orders postponing the termination during litigation. The Southern District of New York found seven Syrian nationals were entitled to interim relief under 5 U.S.C. §705. The Second Circuit denied the government's motion for a stay. The District Court for the District of Columbia granted interim relief to five Haitian nationals, and the D.C. Circuit also declined to issue the government a stay. The Supreme Court consolidated the cases and held the TPS statute bars judicial review of non-constitutional claims. In addition, the equal protection claim that Haiti's TPS designation was terminated because of race is unlikely to succeed.

P. Investment Company Act

FS Credit Opportunities Corp. v. Saba Capital Master Fund, Ltd., 146 S.Ct. 1546 (2026)

The Court held §47(b) of the Investment Company Act does not impliedly empower private parties to sue for rescission of contracts that allegedly violate the Act.

Q. Patents

Hikma Pharmaceuticals USA Inc. v. Amarin Pharma, Inc., 146 S.Ct. 1391 (2026)

The Court held Amarin failed to state a claim for active inducement in violation of 35 U.S.C. §271(b), so its complaint cannot stand against Hikma's motion to dismiss. The central question is whether Amarin plausibly alleged that Hikma actively encouraged infringing use, not whether doctors could plausibly read the alleged statements as instructions to infringe.

R. Postal Service

United States Postal Service v. Konan, 607 U.S. 391 (2026)

Konan filed suit in federal court alleging the USPS intentionally and wrongfully withheld her mail. The district court dismissed her complaint pursuant to the Federal Tort Claims Act's postal exception. The exception states the federal government has sovereign immunity for all claims arising from the loss, miscarriage, or negligent transmission of letters or postal matter. The Fifth Circuit reversed, holding the terms "loss," "miscarriage," and "negligent transmission" do not encompass the intentional act of failing to deliver the mail at all. The Supreme Court granted *certiorari* to resolve a circuit split. The Court held the U.S. retains sovereign immunity for claims arising from the intentional nondelivery of mail because both "miscarriage" and "loss" of mail under the postal exception can occur as a result of the USPS's intentional failure to deliver the mail.

S. Securities

Sripetch v. Securities and Exchange Commission, 146 S.Ct. 1403 (2026)

The Court held that a showing of pecuniary loss is not required before the Securities and Exchange Commission may obtain a disgorgement award.

T. Sentencing

1. *Rico v. U.S.*, 146 S.Ct. 947 (2026).

The Court held the Sentencing Reform Act does not authorize a rule that automatically extends a defendant's term of supervised release when the defendant absconds.

2. *Rutherford v. U.S.*, 146 S.Ct. 1320 (2026).

The Court held that when Congress declines to make a sentencing amendment retroactive, as with the change to 18 U.S.C. §924(c), the resulting sentencing disparity cannot serve as an "extraordinary and compelling" reason warranting a reduction in sentence under 18 U.S.C. §3582(c)(1)(A)(i).

3. *Hunter v. U.S.*, 146 S.Ct. 1702 (2026).

Hunter pleaded guilty to one count of aiding and abetting wire fraud. The plea agreement included an appeal waiver under which he waived the right to appeal his conviction or sentence with the exception of a claim of ineffective assistance of counsel. The district court sentenced him to 51 months in prison followed by three years of supervised release during which Hunter must participate in a mental health treatment program and take all mental health medications prescribed by his physician. Hunter appealed his sentence, arguing the mandatory medication condition violated his fundamental due process liberty interest in being free of unwanted mental health medication. The government sought dismissal based on the appeal waiver. The Fifth Circuit held Hunter's appeal could not proceed due to the waiver. The Supreme Court granted certiorari, vacated and remanded. The Court held an agreement not to appeal a sentence is not enforceable when it would result in a miscarriage of justice. It noted this is a high bar, and a waiver may only be set aside if the sentence is marred by the kind of egregious error that would bring the judicial system into disrepute. The error must be obvious and of the type that would undermine public confidence in the judiciary. The Court remanded for the Fifth Circuit to address whether Hunter's challenge to the mandatory medication condition satisfies the miscarriage of justice standard in the first instance.

U. Sovereign Immunity

Galette v. New Jersey Transit Corp., 607 U.S. 509 (2026)

The Court held the New Jersey Transit Corporation is not an arm of New Jersey and is not entitled to share in the state's interstate sovereign immunity.

V. Tariffs

Learning Resources, Inc. v. Trump, 607 U.S. 229 (2026)

The Court held the International Emergency Economic Powers Act does not authorize the President of the U.S. to impose tariffs.

W. Torts

Cisco Systems, Inc. v. Doe, 146 S.Ct. 1882 (2026)

The Court held courts may not create new causes of action for violations of international norms under the Alien Tort Statute. In addition, the Torture Victim Protection Act of 1991, which contains an express cause of action against someone who “subjects” another to torture, does not provide for aiding and abetting liability.

X. Voting Rights Act

Louisiana v. Callais, 146 S.Ct. 1131 (2026)

The Court held that Louisiana’s new congressional map is an unconstitutional racial gerrymander. Because the Voting Rights Act did not require Louisiana to create an additional majority-minority district, no compelling interest justified the state’s use of race in creating the new map.