

**Supreme Court 2005-2006 Term  
Cert. Grants in Federalism Cases**

**04-623 GONZALEZ, ATT'Y GEN., ET AL. V. OREGON, ET AL.**

DECISION BELOW: 368 F.3d 1118 (9th Cir. 2004)

**QUESTION PRESENTED**

Whether the Attorney General has permissibly construed the Controlled Substances Act, 21 U.S.C. 801 *et seq.*, and its implementing regulations to prohibit the distribution of federally controlled substances for the purpose of facilitating an individual's suicide, regardless of a state law purporting to authorize such distribution.

Cert. Granted 2/22/05

**04-885 CENTRAL VIRGINIA COMM. COLLEGE, ET AL. V. KATZ**

DECISION BELOW: Unpublished

**QUESTION PRESENTED**

May Congress use the Article I Bankruptcy Clause, U.S. Const. art. I, § 8, cl. 4, to abrogate the States' sovereign immunity?

Cert. Granted 4/4/05

**04-1152 RUMSFELD, ET AL. V. FORUM FOR ACADEMIC AND INSTITUTIONAL RIGHTS, ET AL.**

DECISION BELOW: 390 F.3d 219 (3rd Cir. 2004)

**QUESTION PRESENTED**

The Solomon Amendment, 10 U.S.C. 983(b)(1), withholds specified federal funds from institutions of higher education that deny military recruiters the same access to campuses and students that they provide to other employers. The question presented is whether the court of appeals erred in holding that the Solomon Amendment's equal access condition on federal funding likely violates the First Amendment to the Constitution and in directing a preliminary injunction to be issued against its enforcement.

Cert. Granted 5/2/05

**04-1203 UNITED STATES V. GEORGIA, ET AL.**

**04-1236 GOODMAN V. GEORGIA, ET AL.**

DECISION BELOW: UNPUBLISHED

**QUESTION PRESENTED**

Whether Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, is a proper exercise of Congress's power under Section 5 of the Fourteenth Amendment, as applied to the administration of prison systems.

Cert. Granted 5/16/05

Consolidated 04-1203 with 04-1236 for one hour of oral argument.

**04-1264 BUCKEYE CHECK CASHING, INC. V. CARDEGNA, ET AL.**

DECISION BELOW: UNPUBLISHED

QUESTION PRESENTED

Whether the Florida Supreme Court erred by holding, consistent with the Alabama Supreme Court but in direct conflict with six federal courts of appeals, that the Federal Arbitration Act allows a party to avoid arbitration by claiming that the underlying contract containing an arbitration clause (but not the arbitration clause itself) is void for illegality.

Cert. Granted 6/20/05

**04-1186 WACHOVIA BANK, N. A. V. SCHMIDT III, ET AL.**

DECISION BELOW: 388 F.3d 414 (2004)

QUESTIONS PRESENTED

The questions presented are (i) whether, for purposes of federal diversity jurisdiction, a national banking association is "located" in, and thus deemed to be a citizen of, every state in which the association maintains a branch, as held by the court below, or instead has a more limited citizenship, as held by three other courts of appeals; and (ii) whether the word "located," as used in 28 U.S.C. § 1348, is ambiguous.

Cert. Granted 6/13/05.

Justice Thomas did not participate in the consideration or decision of this petition.

**04-1144 AYOTTE V. PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND, ET AL.**

DECISION BELOW: 390 F.3d 53 (1st Cir. 2004)

QUESTIONS PRESENTED FOR REVIEW

1. Did the United States First Circuit Court of Appeals apply the correct standard in a facial challenge to a statute regulating abortion when it ruled that the *undue burden standard* cited in *Planned Parenthood of S.E. Pa. v. Casey*, 505 U.S. 833, 876-77 (1992) and *Stenberg v. Carhart*, 530 U.S. 914, 921 (2000) applied rather than the "no set of circumstances" standard set forth in *United States v. Salerno*, 481 U.S. 739 (1987)?

2. Whether the New Hampshire Parental Notification Prior to Abortion Act, N.H. Rev. Stat. Ann. § 132:24-28 (2003) preserves the health and life of the minor through the Act's judicial bypass mechanism and/or other state statutes?

Cert. Granted 5/23/05

**04-593 DOMINO'S PIZZA, ET AL. V. MCDONALD**

DECISION BELOW: Unpublished

QUESTION PRESENTED

In the absence of a contractual relationship with the defendant, are allegations of personal injuries alone sufficient to confer standing on a plaintiff pursuant to 42 U.S.C. § 1981?

Cert. Granted 4/25/05

**04-712 LINCOLN PROPERTY CO., ET AL. V. CHRISTOPHE ROCHE, ET UX.**

DECISION BELOW: 373 F.3d 610 (4th Cir. 2004)

QUESTIONS PRESENTED

1. Whether an entity not named or joined as a defendant in the lawsuit can nonetheless be deemed a "real party in interest" to destroy complete diversity of citizenship in a case removed from state court under 28 U.S.C. § 1441(b).

2. Whether a limited partnership's citizenship for diversity subject-matter jurisdiction purposes is determined not by the citizenship of its partners but by whether its business activities establish a "very close nexus" with the state.

Cert. Granted 2/28/05

**04-1084 GONZALES, ET AL. V. O CENTRO ESPIRITA BENEFICIENTE UNIAO DO VEGETAL, ET AL.**

DECISION BELOW: 389 F.3d 973 (10th Cir. 2004)

QUESTION PRESENTED

Whether the Religious Freedom Restoration Act of 1993, 42 U.S.C. 2000bb *et seq.*, requires the government to permit the importation, distribution, possession, and use of a Schedule I hallucinogenic controlled substance, where Congress has found that the substance has a high potential for abuse, it is unsafe for use even under medical supervision, and its importation and distribution would violate an international treaty.

Cert. Granted 4/18/05