

(ORDER LIST: 605 U.S.)

FRIDAY, JUNE 6, 2025

CERTIORARI -- SUMMARY DISPOSITION

24-6892 WILLIAMS, JOHNATHAN A. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. 680 (2024).

ORDERS IN PENDING CASES

24A969 BRANNBERG, JUDY A., ET AL. V. JEFFERSON CTY. PUB. SCH., ET AL.

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

24M90 CUFF, NEIL V. FL A&M UNIV., ET AL.

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

24-7146 GILOWSKI, ANIDA V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 30, 2025, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

24-808 CONEY ISLAND AUTO PARTS, INC. V. BURTON, JEANNE A.

The petition for a writ of certiorari is granted.

24-820) RUTHERFORD, DANIEL V. UNITED STATES
24-860) CARTER, JOHNNIE M. V. UNITED STATES

The petitions for writs of certiorari are granted. The cases are consolidated, and a total of one hour is allotted for oral argument.

24-872 HAMM, COMM'R, AL DOC V. SMITH, JOSEPH C.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted limited to the following question: Whether and how courts may consider the cumulative effect of multiple IQ scores in assessing an *Atkins* claim.

CERTIORARI DENIED

24-780 BLUE, ANTHONY V. NEW YORK
24-786 REPUBLICAN NAT. COMM., ET AL. V. GENSER, FAITH, ET AL.
24-806 AUDIO EVOLUTION DIAGNOSTICS V. UNITED STATES, ET AL.
24-936 HANSON, ANDREW, ET AL. V. DISTRICT OF COLUMBIA, ET AL.
24-940 BLIXSETH, TIMOTHY L. V. MT DEPT. OF REVENUE
24-949 NAVELLIER & ASSOC., ET AL. V. SEC
24-962 ADAMS, AUTUMN V. GUGLIANO, KEVIN, ET AL.
24-1055 BECKER, WILLIAM, ET AL. V. HILLSBORO, MO
24-1060 MORENO, LETICIA T. ET AL. V. COURT OF APPEAL OF CA, ET AL.
24-1079 GRAY, GEOFFREY, ET AL. V. WA DEPT. OF TRANSP., ET AL.
24-1087 PORTER, DAVID B. V. SERGENT, F. T., ET AL.
24-1125 ISS AVIATION, INC., WY, ET AL. V. BELL TEXTRON, INC.
24-1129 LIPIN, JOAN C. V. WISEHART, ARTHUR D., ET AL.
24-1135 GONZÁLEZ FLAVELL, SARA V. KIM, JIM, Y. ET AL.
24-6222 PORTER, DONAT C. V. NORTH CAROLINA
24-6505 JONES, JEROME V. UNITED STATES

24-6804 WHITE, LAWRENCE V. OPM

24-6897 FAUST, JOSHUA M. V. UNITED STATES

24-6923 ALEXANDER, CHRISTOPHER M. V. LOUISIANA

24-6925 BURTON, ARTHUR J. V. JOHNSON, MELODY, ET AL.

24-6929 CARSON, MICHAEL J. V. GUERRERO, DIR., TX DCJ

24-6931 OHIO, EX REL. FEATHERS V. COURT OF APPEALS OF OH, ET AL.

24-6934 PINA, FREDERICK V. SUPERIOR COURT OF CA, ET AL.

24-6935 TRAN, BILLY M. V. GUERRERO, DIR., TX DCJ

24-6938 VYAS, TARUN K. V. HUTCHESON, SHERIFF

24-6946 DYJAK, LOGAN V. HORSTMAN, STACEY, ET AL.

24-6947 GOLDSBORO, HARRY L. V. FLORIDA

24-6948 CARRILLO, PAMELA A. V. TX JUVENILE JUSTICE, ET AL.

24-6949 CHRISTMAS, KENDRICK V. HOOPER, WARDEN

24-6998 ELLIS, ERIC V. WHITE SETTLEMENT, TX, ET AL.

24-7008 BRANCH, ANTHONY M. V. FANNIE MAE, ET AL.

24-7063 DUCK, RANDY W. V. PAYNE, DIR., AR DOC

24-7122 DEKELBAUM, MICHAEL S. V. UNITED STATES

24-7147 WILKES, IDRIS Q. V. UNITED STATES

24-7148 GREENBERG, JULIA V. UNITED STATES

24-7149 WEAVER, SAMUEL J. V. UNITED STATES

24-7150 WILLIAMS, OSCAR V. UNITED STATES

24-7155 GAYLES, JOHN F. V. ARIZONA

24-7160 JACKSON, PRENTISS V. UNITED STATES

24-7161 SHEFFLER, TODD V. UNITED STATES

24-7162 WHITED, DESHAWN V. UNITED STATES

24-7166 RUSH, DAVID E. V. UNITED STATES

24-7167 ROGERS, DEREK V. UNITED STATES

24-7203 INZITARI, MICHAEL V. CONNECTICUT

The petitions for writs of certiorari are denied.

24-311 PROTECT OUR PARKS, INC., ET AL. V. DUFFY, SEC. OF TRANSP.

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

HABEAS CORPUS DENIED

24-7207 IN RE WILLIE C. SIMPSON

The petition for a writ of habeas corpus is denied.

24-7234 IN RE DAVID DIEHL

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

MANDAMUS DENIED

24-1053 IN RE SARA A. EDMONDSON

24-7002 IN RE CLIFFORD L. NOLL

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

24-6124 DORMAN, BRADLEY V. DIXON, SEC., FL DOC, ET AL.

24-6275 HAMILTON, JOHNNY V. GEORGIA

24-6318 CROWDER, MARCUS V. GEORGIA

24-6365 GEMELLI, TIMOTHY M. V. NICOSIA, PERRY, ET AL.

24-6570 HELMIN, ANDREW J. V. XU, YUEMIN

24-6590 GARVIN, JOHN D. V. COHEN, WARDEN

24-6675 STEWART, PIERRE C. V. UNITED STATES

24-6704 JURY, BRIAN V. OHIO

The petitions for rehearing are denied.

Statement of ALITO, J.

SUPREME COURT OF THE UNITED STATES

ANNETTE CHAMBERS-SMITH, DIRECTOR, OHIO
DEPARTMENT OF REHABILITATION AND
CORRECTION *v.* KAYLA JEAN AYERS

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

No. 24–584. Decided June 6, 2025

The petition for a writ of certiorari is denied.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS joins, respecting the denial of certiorari.

Kayla Ayers was convicted in 2013 of aggravated arson and child endangerment after she attempted to burn down her father’s house. At trial, the State presented testimony from Ayers’s father and a next-door neighbor, both of whom testified that Ayers had previously threatened to set the house ablaze. The State also called an expert who testified that the fire’s burn pattern revealed two ignition points—suggesting arson, not accident. Ayers’s counsel did not present or even consult with an expert and instead argued that Ayers’s 3-year-old son must have started the fire while playing with a lighter.

In 2020, more than seven years after her conviction, Ayers filed a federal habeas application claiming, *inter alia*, ineffective assistance of counsel. Ayers’s post-conviction counsel commissioned an expert fire-inspection report in 2019, and Ayers used that report to argue that her trial counsel rendered ineffective assistance by “fail[ing] to retain or even consult with an independent fire expert” who could have “recognize[d] the serious flaws in the [state expert’s] opinions and qualifications.” *Ayers v. Ohio Dept. of Rehabilitation and Correction, Director*, No. 5:20–cv–01654 (ND Ohio, Dec. 19, 2022), ECF Doc. 14–1, p. 32. The District Court correctly denied the petition as untimely under

Statement of ALITO, J.

28 U. S. C. §2244(d)(1)(A)’s default limitations period, but the Sixth Circuit nevertheless reversed. The panel reasoned that the 2019 expert report reopened the filing window under §2244(d)(1)(D), which allows prisoners to file a habeas petition within a year from when “the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.” See *Ayers v. Ohio Dept. of Rehabilitation and Correction*, 113 F. 4th 665, 670–674 (2024).

The Sixth Circuit erred by treating newly discovered support for a previously available claim as sufficient to restart the 1-year limitations period. Here, Ayers claims her trial counsel should have consulted an independent fire expert and challenged the State’s fire inspector. But Ayers had everything she needed to make that argument back in 2013 when her trial counsel failed to take those steps. Cf. *Rivas v. Fischer*, 687 F. 3d 514, 536 (CA2 2012) (concluding that a new expert affidavit could not revive a time-barred habeas petition because the expert’s conclusion was based on facts that were previously known to and discoverable by the habeas petitioner). The 2019 expert report certainly bolstered Ayers’s argument that her trial counsel’s decisions harmed her defense, but “[§]2244(d)(1)(D) does not restart the time when corroborating evidence becomes available; if it did, then the statute of limitations would fail in its purpose to bring finality to criminal judgments, for any prisoner could reopen the judgment by locating any additional fact.” *Escamilla v. Jungwirth*, 426 F. 3d 868, 871 (CA7 2005), abrogated on other grounds, *McQuiggin v. Perkins*, 569 U. S. 383 (2013).

Ordinarily, we would summarily reverse such a decision or, at the least, grant certiorari to bring the errant Circuit back into alignment. But Ayers has now served her prison sentence and is no longer subject to post-release control. For this reason, the Court’s unwillingness to summarily re-

Statement of ALITO, J.

verse is understandable, and it is possible to view the decision below as an aberrant decision attributable to the particular facts of this case and not as a precedent that will be followed in future cases. In any event, lower courts should not construe the denial of review as approval of the decision below, and litigants should not hesitate to seek certiorari if the Sixth Circuit repeats this error.

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