

SCOTUS

OCTOBER 2024

TERM IN REVIEW

AMICUS ON THE MERITS:
2 Wins, 3 Losses

AMICUS ON CERT:
1 Granted, 4 Denied



Americans for Prosperity Foundation engages in cases before the Supreme Court with one unifying theme: **liberty**. This year:

- We stood with parents and their right to determine their children's upbringing against government schools trying to compel students to receive instructions contrary to the parents' religious beliefs.
- In a win for economic prosperity and the rule of law, we stood with commonsense to cut unnecessary red tape and limit unnecessary litigation under the National Environmental Policy Act to block public and private development and infrastructure.

These are just a few examples of our engagement. The consistent theme in every case, regardless of the plaintiff or the legal issue, is asking the Court to apply the text of the law and Constitution and, as a result, promote liberty. To read more of our briefs, visit us at <https://americansforprosperityfoundation.org/legal/>.

AMICUS BRIEFS ON THE MERITS

CONSTITUTIONALLY LIMITED GOVERNMENT

Mahmoud v. Taylor

WIN – Holding that the Free Exercise clause protects parents' rights to control the upbringing of their children, and thus a school board cannot compel children to participate in instruction that substantially interferes with their religious development without providing an opt out.

DECISION

BRIEF

Court's vote: 6-3

Seven County Infrastructure v. Eagle County

WIN – The Supreme Court substantially cut red tape and pointless paperwork requirements for private development and infrastructure by imposing commonsense limits on the environmental studies federal agencies are legally required to do under the National Environmental Policy Act before they can issue permits and approve projects. This ruling limits the ability of groups to use NEPA litigation to block or delay projects they disagree with.

DECISION

BRIEF

Court's vote: 9-0

FCC v. Consumers' Research

LOSS – The Supreme Court held that Congress's statutory grant of power to the FCC to set the fee people must pay into the Universal Service Fund did not unconstitutionally transfer legislative power to the FCC and that the FCC's subdelegation of that task to a corporation did not unconstitutionally transfer government power to a private entity.

DECISION

BRIEF

BLOG

Court's vote: 6-3

Oklahoma Statewide Charter School Board v. Drummond

LOSS – By a divided vote and without an opinion, the Court affirmed the Oklahoma Supreme Court's decision that allowing religious private schools to participate in a government-funded online charter school program would violate the Oklahoma Constitution.

DECISION

BRIEF

Court's vote: 4-4 (ACB recused)

Lackey v. Stinnie

LOSS – Whether parties who obtain a preliminary injunction qualify as "prevailing parties" for purposes of a Section 1988(b) attorney's fees award.

DECISION

BRIEF

Court's vote: 7-2

AMICUS BRIEFS SUPPORTING PETITIONS FOR CERT

First Choice v. Platkin | **GRANTED**

L.M. v. Middleborough | **DENIED**

Jake's Fireworks v. CPSC | **DENIED**

Lesh v. United States | **DENIED**

Consumers' Research v. CPSC | **DENIED**