(ORDER LIST: 605 U.S.)

MONDAY, JUNE 2, 2025

ORDERS IN PENDING CASES

24M89 SLAUGHTER, FRANK L. V. BD. OF PROF'L RESPONSIBILITY

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

24-909 AGUDAS CHASIDEI CHABAD V. RUSSIAN FED'N, ET AL.

The Solicitor General is invited to file a brief in this case expressing the views of the United States. Justice Kavanaugh took no part in the consideration of this petition. Justice Jackson took no part in the consideration of this petition. See 28 U. S. C. §455 and Code of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior judicial service).

24-917 DUKE ENERGY CAROLINAS, ET AL. V. NTE CAROLINAS II, LLC, ET AL.

24-1062 HERTZ CORP., ET AL. V. WELLS FARGO BANK, N.A., ET AL.

The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

24-6750 RAMBARANSINGH, TROY V. BANK OF AM. NAT. ASSN., ET AL.

24-6904 JAIYEOLA, GANIYU A. V. GARMIN INT'L, INC.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until June 23, 2025, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

24-568 BOST, MICHAEL, J. ET AL. V. IL BD. OF ELECTIONS, ET AL.

24-624 CASE, WILLIAM T. V. MONTANA

24-758 GEO GROUP, INC. V. MENOCAL, ALEJANDRO, ET AL.

The petitions for writs of certiorari are granted.

24-924 HENCELY, WINSTON T. V. FLUOR CORP., ET AL.

The motion of Center for Military Law and Policy, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted.

CERTIORARI DENIED

23-832 PORAT, MOSHE V. UNITED STATES

24-241 BAKER, MICHAEL V. UNITED STATES

24-286 BOLOS, PETER V. UNITED STATES

24-678 WHEELER, THOMAS L. V. UNITED STATES

24-684 MEADORS, CARLANDA D., ET AL. V. ERIE CTY. BD. OF ELECTIONS

24-754 MOUNT CLEMENS, ET AL. V. HERTEL, DIR., ET AL.

24-757 GYM 24/7 FITNESS, LLC V. MICHIGAN

24-803 SULLIVAN, MICHAEL Q. V. TX ETHICS COMM'N

24-903 ATTURO TIRE CORP. V. TOYO TIRE CORP., ET AL.

24-904 ALPINE SEC. CORP. V. FINANCIAL INDUS. AUTH., ET AL.

24-908 LOZMAN, FANE V. RIVIERA BEACH, FL

24-910 CRAWFORD, CHARLES R. V. CAIN, COMM'R, MS DOC, ET AL.

24-1033 VIETTI, MARIA D. R. C. V. WELSH & McGOUGH, PLLC, ET AL.

24-1042 PARKER, ROBERT R. V. BURNES, JOHN D., ET AL.

24-1043 PLUMMER, EDWARD V. KAISER FOUND. HOSP., ET AL.

24-1047 McVAE, ETHEL, ET AL. V. PEREZ, JESSE

24-1059 JEAN-BAPTISTE, HAROLD V. DEPARTMENT OF JUSTICE, ET AL.

24-1064 DOE, JOHN V. TENNESSEE, ET AL.

24-1065 HAASE, RICHARD A. V. DEUTSCHE BANK

24-1081 RHODES, SAUNDRA V. GIFFORD, JESSICA

24-1094 ANTONACCI, LOUIS B. V. EMANUEL, RAHM, ET AL.

24-1100 JOSHI, ASHU V. UNITED STATES

24-1106 MONA, JOSEPH V. MICROBOT MEDICAL, INC.

24-1112 SHOUP, ROLLAND G. V. INDIANA

24-1127 CLARDY, THOMAS E. V. NELSEN, WARDEN

24-1141 ITEN, PATRICIA V. LOS ANGELES COUNTY, CA

24-6378 DAVIS, VON C. V. COOL, WARDEN

24-6560 PASTERNAK, TAMAZ V. UNITED STATES

24-6668 LEE, CHAD A. V. THORNELL, DIR., AZ DOC

24-6669 STUMP, GREGORY V. UNITED STATES

24-6782 LINDSEY, AARON C. V. UNITED STATES

24-6818 HUNT, MATTHEW R. V. UNITED STATES

24-6869 THOMAS, EVELYN V. QUICKTRIP CORP.

24-6871 JIMENEZ, DIEGO J. V. DIXON, SEC., FL DOC

24-6877 M., AMANDA V. ILLINOIS

24-6880 WENDELL, CHARLES C. V. FLORIDA

24-6881 ROWELL, BRANDON A. V. ADULT REPRESENTATION, ET AL.

24-6882 ROMIG, MICHAEL C. V. BRITTAIN, SUPT., ET AL.

24-6883 NEWSOME, KENNETH K. V. DIXON, SEC., FL DOC, ET AL.

24-6887 RIVERS, RUFUS, ET AL. V. SMITH, JAMES

24-6895 WIGGINS, HERBERT L. V. GUERRERO, DIR., TX DCJ

24-6900 HAMMERSLEY, ROBERT E. V. WISCONSIN

24-6908 GOLDSBORO, HARRY L. V. FLORIDA

24-6911 HALL, WILLIAM V. MICHIGAN

24-6912 TALLEY, KENNETH R., ET AL. V. HORN, JUDITH C., ET AL.

24-6915 SLOAN, GEORGE V. V. WASHINGTON

24-6918 BERMAN, JOHN V. MODELL, DAVID, ET AL.

24-6943 DUNCAN, NOAH V. CURATORS OF UNIV. OF MO, ET AL.

24-6974 MEJIA, MICHAEL V. WARDEN, GREENE

24-7013 SCHOROVSKY, RICHARD V. UNITED STATES

24-7027 HOUSE, CHARLES V. UNITED STATES

24-7031 KUEHNER, CHRISTOPHER W. V. UNITED STATES

24-7032 VARGAS VELEZ, MIGUEL A. V. UNITED STATES

24-7034 DORCINVIL, JACQUES V. KOPP, SUPT., SING SING

24-7036 PADILLA-GALARZA, JOSE V. UNITED STATES

24-7040 McGARITY, NEVILLE V. SPROUL, WARDEN

24-7041 RODRIGUEZ, JAVIER A. V. UNITED STATES

24-7043 OWEN, SEAN C. V. WARDEN, KEISEL

24-7044 BOWERS, NORMAN V. UNITED STATES

24-7045 SUTTON, MARGARET A. V. UNITED STATES

24-7050 SOTELO, JUAN C. V. UNITED STATES

24-7052 ASHFORD, MICHAEL L. V. UNITED STATES

24-7053 BRITO, VALENTE V. UNITED STATES

24-7058 CANNADY, TODD V. UNITED STATES

24-7059 MAGEE, DENNIS L. V. LOUISIANA

24-7060 GONZALEZ, MAURICIO V. UNITED STATES

24-7062 OAKLEY, DAMONE D. V. UNITED STATES

24-7068 BOYKIN, LEE R. V. UNITED STATES

24-7069 ADAMS, THOMAS M. V. UNITED STATES

24-7071 PALACIOS-DE PAZ, RAUL V. UNITED STATES

24-7072 NGUYEN, DU T. V. UNITED STATES

24-7075 BARNES, CHRISTOPHER E. V. UNITED STATES

24-7078 VASQUEZ-LANDAVER, GUILLERMO V. UNITED STATES

24-7082 LLAUSAS-SILVA, EDGAR V. UNITED STATES

24-7083 CAZARES, RAUL O. V. JOHNSON, DIR., DAPO

24-7090 RAMIREZ-ZERMENO, JOSE R. V. UNITED STATES

24-7091 REYES-TAFOLLA, JULIO C. V. UNITED STATES

24-7092 TRYALS, MICHAEL D. V. UNITED STATES

24-7093 VELAZQUEZ, ALFRED V. UNITED STATES

24-7095 LOPEZ-LOPEZ, JAVIER V. UNITED STATES

24-7100 HARRIS, GERALD B. V. FRAUENHEIM, WARDEN

24-7103 JOHNSON, IKEVIAUN Q. V. UNITED STATES

24-7109 NESS, JUSTIN M. V. UNITED STATES

24-7112 GONZALEZ, RONNIE V. UNITED STATES

24-7113 GRAHAM, KENNETH V. UNITED STATES

24-7114 FLINT, DANIEL V. UNITED STATES

24-7115 WILKERSON, ELROY V. UNITED STATES

24-7123 THURMAN, CARLOS E. V. UNITED STATES

24-7127 BECK, PATRICK V. UNITED STATES

24-7135 JACKSON, MARIO K. V. UNITED STATES

The petitions for writs of certiorari are denied.

24-131 OCEAN STATE TACTICAL, ET AL. V. RHODE ISLAND, ET AL.

The petition for a writ of certiorari is denied. Justice Thomas, Justice Alito, and Justice Gorsuch would grant the petition for a writ of certiorari.

24-1143 ATRIUM MEDICAL CORP. V. C.R. BARD, INC.

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

24-6916 LETTIERI, DAVID C. V. SUFFOLK CTY. POLICE

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is

dismissed. See Rule 39.8.

HABEAS CORPUS DENIED

24-7175 IN RE KEVIN OGDEN

The petition for a writ of habeas corpus is denied.

24-7174 IN RE BABUBHAI PATEL

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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

MANDAMUS DENIED

24-6874 IN RE ROBERT D. BATSON

24-6910 IN RE EDWARD GREEMAN

24-7137 IN RE JACK E. CARPENTER

The petitions for writs of mandamus are denied.

24-6872 IN RE LYLE R. HARRISON

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of mandamus is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992)

(*per* curiam). Justice Barrett took no part in the consideration or decision of this motion and this petition.

24-6899 IN RE SAMUEL RIVERA

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

REHEARINGS DENIED

24-5069 WATSON, PHILE A. V. FEDEX EXPRESS

24-5968 ADKISON, BRIAN V. MORRISS, ACTING WARDEN

24-6386 BOGGS, RICHARD E. V. UNITED STATES

24-6392 McCOY, JOSEPH R. V. GONZALES, ANGEL, ET AL.

24-6401 ROBERTSON, RACHEL V. BIDEN, JOSEPH R.

24-6432 EL, ZEMIRAH V. MOORE, BERNARD

24-6565 GOMEZ, ALEX H. V. DIXON, SEC., FL DOC, ET AL.

24-6878 WOOD-JIMENEZ, REINA T. V. NV DEPT. OF MOTOR VEHICLE OFFICE

The petitions for rehearing are denied.

SUPREME COURT OF THE UNITED STATES

CHANEL E. M. NICHOLSON *v.* W.L. YORK, INC., DBA COVER GIRLS, ET AL.

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

No. 23–7490. Decided June 2, 2025

The petition for a writ of certiorari is denied.

JUSTICE JACKSON, with whom JUSTICE SOTOMAYOR joins, dissenting from the denial of certiorari.

Chanel Nicholson claims that, on numerous occasions between 2013 and 2021, she was barred from entering her workplace because of her race. Nicholson filed this lawsuit in 2021, alleging intentional race discrimination in violation of 42 U. S. C. §1981. According to Nicholson's complaint, the most recent instances of race discrimination occurred within the four-year statute of limitations. But the Court of Appeals nonetheless concluded that these claims were time barred. In the panel's view, the more recent acts were merely the "continued effects" of prior instances of race-based exclusion and thus were not independently actionable.

That holding flouts this Court's clear precedents. We have long held that "[e]ach discrete discriminatory act starts a new clock for filing charges alleging that act," regardless of whether similar instances of discrimination have occurred in the past. *National Railroad Passenger Corporation* v. *Morgan*, 536 U. S. 101, 113 (2002). Because the Fifth Circuit's contrary ruling was patently erroneous, this Court should have granted Nicholson's petition and summarily reversed the judgment. I respectfully dissent from the Court's decision to do otherwise.

I

A

Chanel Nicholson is an adult entertainer who performed at a pair of clubs in Houston, Texas, called Splendor and Cover Girls, during the mid-2010s. Both clubs were owned and operated by the same individuals. Each club required dancers like Nicholson to sign a "License and Access Agreement" that guaranteed the performer the right to "se[t] her own schedule of when and what hours she works" and "arrive and leave the premises at any time without penalty." App. B to Third Amended Complaint (TAC) in No. 4:21–cv–2624 (SD Tex., June 24, 2022), ECF Doc. 47–2, p. 6, ¶3; App. C to TAC, ECF Doc. 47–3, p. 7, ¶3. Nicholson signed the agreement with Splendor in 2014 and performed at the establishment through 2016. She signed the Cover Girls agreement in 2016 and performed there through 2017.

According to Nicholson, who is African American, race discrimination pervaded the environments of both clubs. Splendor and Cover Girls were "well-known" to "severely limi[t] the total number of Black Dancers on their respective premises," TAC, ECF Doc. 47, p. 10, ¶40, because "upper management did not want too many Black Dancers" present on any given night, *id.*, at 7, ¶29. One former Cover Girls manager confirmed that it was "widely known and well-accepted that black (African American) girls generally are not given positions as dancers in these" establishments. App. D to TAC, ECF Doc. 47–4, p. 1, ¶5 (Decl. of A. Skwera). This policy was apparently so well established that, when the clubs' director of operations discovered that the manager had hired African American dancers at Cover Girls, he revoked the manager's hiring privileges. *Id.*, at 2, ¶8.

As relevant here, Nicholson alleges that management-level employees at Splendor and Cover Girls would bar Black dancers from entering those establishments if too many other Black performers were already present. "[O]n

a number of occasions," she alleges, "the door girl or an acting manager would send [Nicholson] home after [she] arrived for her shift because there were already 'too many black girls' working." ECF Doc. 47, at 7, ¶28. Nicholson estimates that, of the six to seven days per week that she would try to work at each club, she was turned away on approximately three of the days due to her race. Nicholson Deposition Tr. in No. 4:21–cv–2624 (SD Tex., Dec. 5, 2022), ECF Doc. 61–1, pp. 14, 20–21. In particular, Nicholson alleges that, while working at Cover Girls in November 2017, she was once again "told by a manager that she could not perform because there were already 'too many black girls'" in the club. ECF Doc. 47, at 8, ¶34. Nicholson eventually got "tired of being treated like that" and stopped performing at Cover Girls entirely. ECF Doc. 61–1, at 13.

Nicholson took a hiatus from dancing between 2018 and 2021, during which time her License and Access Agreements remained valid. She attempted to return to performing at Splendor in August 2021. But a manager again refused her entry, telling her they were "not taking any more black girls." *Id.*, at 21; see also ECF Doc. 47, at 9, ¶37. During this conversation, Nicholson saw a White dancer enter the club, seemingly preparing to start her shift. *Ibid.*, ¶38.

B

In August 2021, Nicholson filed a lawsuit against Splendor and Cover Girls. Invoking 42 U. S. C. §1981, she claimed that the clubs had engaged in intentional race discrimination by barring her entrance and that of other women of color. Nicholson's complaint alleged that these acts had "deprive[d]" her "of the same right to make and enforce contracts as Caucasian female entertainers." ECF Doc. 47, at 16, ¶54.

As relevant to this dispute, two of Nicholson's §1981 claims survived a motion to dismiss: one against Splendor for being denied access to the club in August 2021, and one

against Cover Girls for being denied access in November 2017. Both events allegedly occurred within the four-year period before Nicholson's August 2021 filing. The District Court nevertheless granted summary judgment in favor of the clubs and against Nicholson, on the ground that her claims regarding these allegedly discriminatory acts were untimely. App. C to Pet. for Cert. 10, 14.

The Fifth Circuit affirmed. In its view, Nicholson "was first denied access to Splendor's premises as early as a week after signing her [License and Access Agreement] in September 2014," and that same discriminatory treatment had merely "continued." App. A to Pet. for Cert. 8–9. The court thus concluded that Nicholson's "claims of unlawful discrimination began to accrue in 2014," *id.*, at 9, because she "was first turned away by Splendor for a discriminatory reason in 2014 and, when she checked back in with Splendor in 2021, nothing had changed," *id.*, at 8; see also *ibid.* ("Splendor's position [had] remained the same: Nicholson was refused access to the premises because she was Black"). According to the Fifth Circuit, "her denial of access to the club . . . on account of her race" in 2021 was "merely a continued effect of the first alleged discriminatory act that took place in 2014." *Id.*, at 9; see also *id.*, at 7.

The panel reached the same conclusion with respect to Nicholson's §1981 claim against Cover Girls. "[A]s early as her first week after signing the [License and Access Agreement] with Cover Girls in November 2016, she was denied access to the club on account of her race." *Id.*, at 10. And "nothing [had] changed when she returned to Cover Girls in November 2017—she was again denied access on account of her race." *Ibid.* Thus, Nicholson's claim against Cover Girls "began to accrue when she signed the [agreement] with the club in November 2016," and this "first act of discrimination . . . merely remained ongoing when she returned in 2017." *Ibid.*

II

The Fifth Circuit's analysis of the statute of limitations is patently erroneous under our longstanding precedents.

A

First enacted after the Civil War, §1981 creates a federal cause of action for claims of intentional race discrimination in contracting. The statute specifically guarantees that "[a]ll persons within the jurisdiction of the United States shall have the same right . . . to make and enforce contracts . . . as is enjoyed by white citizens." §1981(a). This Court has further recognized that §1981 establishes liability for purposeful discrimination wherever race is a but-for cause of the relevant injury. See *General Building Contractors Assn., Inc.* v. *Pennsylvania*, 458 U. S. 375, 391 (1982); *Comcast Corp.* v. *National Assn. of African American-Owned Media*, 589 U. S. 327, 341 (2020).

Discrimination claims concerning contract performance are subject to a four-year statute of limitations. 28 U. S. C. §1658(a); see also *Jones* v. *R. R. Donnelley & Sons Co.*, 541 U. S. 369, 383 (2004). For claims involving discrete acts of discrimination, that statute of limitations commences on the date of the alleged discriminatory act. See *Chardon* v. *Fernandez*, 454 U. S. 6, 8 (1981) (*per curiam*) ("[T]he proper focus" of this inquiry is "the time of the *discriminatory act*, not the point at which the *consequences* of the act become painful"). The statute of limitations for a §1981 claim based on a "discrete discriminatory ac[t]" thus generally runs from the day that the act "'happened.'" *Morgan*, 536 U. S., at 110.

Here, Nicholson's complaint alleges two discrete instances of discriminatory treatment by the clubs' managers and employees. Nicholson claims that Splendor and Cover Girls prevented Black dancers from working at the clubs if a sufficient number of other Black dancers were already present. She alleges, in particular, that she was barred

from entering the clubs because of her race in November 2017 and August 2021, despite her contractual right to "se[t] her own schedule" and "arrive and leave the premises at any time without penalty." ECF Doc. 47–2, at 6, ¶3; ECF Doc. 47–3, at 7, ¶3. Thus, as alleged in her complaint, Nicholson suffered two adverse and discriminatory actions—race-based exclusion from the clubs on two occasions—that took place within the four-year limitations period. This constitutes a textbook example of actionable conduct under §1981. See, *e.g.*, *Morgan*, 536 U. S., at 113.

Contrast this with discrimination claims involving actions that are not themselves discriminatory, and thus do not provide independent bases for §1981 liability or restart the statute-of-limitations clock. Sometimes plaintiffs point to adverse actions that are race neutral but nonetheless reflect the "continued effects" of earlier discriminatory decisions. Consider a professor who is initially denied tenure because of his race. That denial would be race-based and actionable under §1981, and the professor's claim would accrue "at the time the tenure decision was made and communicated to" him. *Delaware State College* v. *Ricks*, 449 U. S. 250, 258 (1980). But, notably, if the university later decides (neutrally) to discharge any faculty members who had been denied tenure, the statute of limitations for the professor's race-discrimination claim would *still* run from the initial tenure decision. *Id.*, at 253, 258. That is because the race-based tenure denial was the discriminatory cause of the professor's race-neutral termination. In other words, if the professor's subsequent termination is merely "a delayed, but inevitable, consequence" of the earlier discriminatory tenure decision, the discrimination claim accrues "at the time the tenure decision was made and communicated to" the plaintiff, not at the time of his later termination. *Id.*, at 257–258; see also *Chardon*, 454 U. S., at 8 ("The fact of termination is not itself an illegal act").

The adverse actions that Nicholson identifies are different because they exhibit no such neutrality. The clubs' policy of excluding Black dancers, if proven true, is discriminatory—but so, too, is each decision to bar a dancer from the premises because of her race. Nicholson's allegations—that, due to her race, she was barred from entering Cover Girls in November 2017 and Splendor in August 2021—are claims of unlawful discrimination that are actionable on their own terms.

The fact that Nicholson allegedly suffered similar acts of race discrimination in the past has no bearing on whether those two claims can proceed. As this Court has made abundantly clear, "[t]he existence of past acts and the employee's prior knowledge of their occurrence . . . does not bar employees from filing [claims] about related discrete acts so long as the acts are independently discriminatory." *Morgan*, 536 U. S., at 113. Rather, "[e]ach discrete discriminatory act starts a new clock for filing charges alleging that act." *Ibid.*

B

That last point bears repeating plainly, in light of the Fifth Circuit's obvious confusion: If the discrete act that is the subject of the plaintiff's discrimination complaint is itself discriminatory, and if it allegedly occurred within the statute of limitations period, then that discrimination claim is timely—full stop.

To be sure, "discrete acts that fall *within* the statutory time period do not make timely acts that fall *outside* the time period." *Id.*, at 112 (emphasis added). But it does not follow that acts falling outside of the time period can make *un*timely those that fall squarely within it.

Nor does the continuing-violations doctrine—which applies to hostile work environment claims and similar legal claims that are "based on the cumulative effect of individual

acts," *id.*, at 115—play any role in the proper analysis. Hostile work environment claims "are different in kind from discrete acts" because "[t]heir very nature involves repeated conduct" that "may not be actionable on its own." *Ibid.* Such claims are therefore based on a "series of separate acts that collectively constitute one 'unlawful employment practice.'" *Id.*, at 117. Additionally, because of the unique nature of hostile work environment claims, the statute of limitations accrues from the most recent act that contributed to the claim, enabling suit for harassment that might have started outside the limitations window. See *ibid.*[1] For discrete-act claims such as Nicholson's, however, liability "does not depend upon proof of repeated conduct extending over a period of time." *Id.*, at 120, n. 12.

The Fifth Circuit's central misstep, then, was to conclude that past acts of race discrimination that are materially identical to subsequent discriminatory acts prevent the later acts from being actionable. In the panel's view, because the clubs' racially discriminatory positions had "remained the same" from the first alleged acts of discrimination to the last—*i.e.*, because "Nicholson was [persistently] refused access to the premises because she was Black," App. A to Pet. for Cert. 8—Nicholson had four years from the initial manifestation of this club practice to file her lawsuit. Nicholson's race-based exclusion in 2017 and 2021 was certainly not surprising, given the clubs' history of discrimination. But that does not make those exclusions nondiscriminatory. All it shows is that Nicholson experienced *multiple* acts of discrimination, each occurrence of which, if alleged within the statute of limitations, states a claim under §1981.

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[1] The continuing-violations construct does the work of pulling all of the relevant conduct *within* the statute of limitations, even if it occurred outside of that timeframe. Thus, even where relevant, that doctrine does not operate to *preclude* liability for acts that fall within the statutory timeframe.

C

Given the above principles, calculating the statute of limitations for Nicholson's claims should have been straightforward. A discrete discriminatory act "'occur[s]' on the day that it 'happened.'" *Morgan*, 536 U. S., at 110. Here, Nicholson alleges that she was barred from entering the clubs due to her race in November 2017 and August 2021.[2] The four-year statute of limitations for Nicholson's November 2017 claim against Splendor would lapse in November 2021, and the statute of limitations for her August 2021 claim against Cover Girls would expire in August 2025. Nicholson's filing—which occurred in August 2021—satisfied both of these statutory timelines.

To conclude that Nicholson's claims are time barred because there were earlier instances of discriminatory treatment, as the Fifth Circuit did, impermissibly inoculates the clubs' more recent discriminatory conduct. If sustained discriminatory motivation is all that is required to transform recent, racially discriminatory acts into the "continued effects" of earlier discriminatory conduct, then past discrimination could inexplicably prevent recovery for later, similarly unlawful conduct. Quite to the contrary, §1981's statute of limitations plainly authorizes a legal challenge

[2] The primary briefs that Nicholson and respondents filed in both the Fifth Circuit and this Court repeatedly characterized Nicholson's claims as alleging "discrete" acts of discrimination. See, *e.g.*, Pet. for Cert. 24 ("Petitioner is only claiming for one discrete event: denial of her access to Splendor to work, in 2021"); *id.*, at 26 ("Plaintiff's denial of access to Cover Girls in late November 2017 was simply one more discrete, discriminatory act"); Brief in Opposition 9 (adopting Nicholson's characterization); see also Brief for Appellant in No. 23–20440 (CA5), ECF Doc. 21, pp. 18–19 ("[T]his denial of access was a discrete act of discrimination commencing a new . . . statute of limitations clock"). This opinion thus eschews construing Nicholson's allegations as pattern-or-practice claims, as the reply brief filed in this Court on Nicholson's behalf now urges. Reply to Brief in Opposition 1–3.

that is brought within four years of when the discriminatory acts occurred, regardless of whether the plaintiff was previously subjected to similar unlawful conduct, too.

* * *

Chanel Nicholson alleges that she was prohibited from entering her workplace on account of her race. Nicholson needed to file her §1981 suit within four years of those discriminatory acts—which she did. As such, §1981's statute of limitations should have posed no barrier to Nicholson obtaining judicial review of her claims. In my view, the Court should have granted Nicholson's petition and summarily reversed the Fifth Circuit's patently erroneous conclusions about the untimeliness of her claims.

SUPREME COURT OF THE UNITED STATES

DAVID SNOPE, ET AL. *v.* ANTHONY G. BROWN, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MARYLAND, ET AL.

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

No. 24–203. Decided June 2, 2025

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

Statement of JUSTICE KAVANAUGH respecting the denial of certiorari.

In *District of Columbia* v. *Heller*, this Court ruled that the Second Amendment must be interpreted in light of constitutional text, history, and tradition. 554 U. S. 570, 576–628 (2008). The Court further determined that the Second Amendment protects those weapons that are in "common use" by law-abiding citizens. *Id.*, at 624, 627. Because handguns are in common use by law-abiding citizens, the Court held that the District of Columbia's ban on handguns violated the Second Amendment. *Id.*, at 628–629. The Court's later Second Amendment decisions in *Bruen* and *Rahimi* did not disturb the historically based "common use" test with respect to the possession of particular weapons. See *New York State Rifle & Pistol Assn., Inc.* v. *Bruen*, 597 U. S. 1, 47 (2022); see also *United States* v. *Rahimi*, 602 U. S. 680, 735–736 (2024) (KAVANAUGH, J., concurring); *post*, at 1–6 (THOMAS, J., dissenting from denial of certiorari).

This case primarily concerns Maryland's ban on the AR–15, a semi-automatic rifle. Americans today possess an estimated 20 to 30 million AR–15s. And AR–15s are legal in 41 of the 50 States, meaning that the States such as

Maryland that prohibit AR–15s are something of an outlier. See *Staples* v. *United States*, 511 U. S. 600, 612 (1994) (stating that AR–15s "traditionally have been widely accepted as lawful possessions").

Given that millions of Americans own AR–15s and that a significant majority of the States allow possession of those rifles, petitioners have a strong argument that AR–15s are in "common use" by law-abiding citizens and therefore are protected by the Second Amendment under *Heller*. See *Heller* v. *District of Columbia*, 670 F. 3d 1244, 1286–1288 (CADC 2011) (Kavanaugh, J., dissenting). If so, then the Fourth Circuit would have erred by holding that Maryland's ban on AR–15s complies with the Second Amendment.

Under this Court's Second Amendment precedents, moreover, it can be analytically difficult to distinguish the AR–15s at issue here from the handguns at issue in *Heller*. AR–15s are semi-automatic, but so too are most handguns. (Semi-automatic handguns and rifles are distinct from automatic firearms such as the M–16 automatic rifle used by the military.) Law-abiding citizens use both AR–15s and handguns for a variety of lawful purposes, including self-defense in the home. For their part, criminals use both AR–15s and handguns, as well as a variety of other lawful weapons and products, in unlawful ways that threaten public safety. But handguns can be more easily carried and concealed than rifles, and handguns—not rifles—are used in the vast majority of murders and other violent crimes that individuals commit with guns in America.

In short, under this Court's precedents, the Fourth Circuit's decision is questionable. Although the Court today denies certiorari, a denial of certiorari does not mean that the Court agrees with a lower-court decision or that the issue is not worthy of review. The AR–15 issue was recently decided by the First Circuit and is currently being considered by several other Courts of Appeals. See *Capen*

v. *Campbell*, 134 F. 4th 660 (CA1 2025); see also, *e.g.*, *National Assn. for Gun Rights* v. *Lamont*, 685 F. Supp. 3d 63 (Conn. 2023), appeal pending, No. 23–1162 (CA2); *Association of N. J. Rifle & Pistol Clubs, Inc.* v. *Platkin*, 742 F. Supp. 3d 421 (NJ 2024), appeal pending, No. 24–2415 (CA3); *Viramontes* v. *County of Cook*, No. 1:21–cv–4595 (ND Ill., Mar. 1, 2024), appeal pending, No. 24–1437 (CA7); *Miller* v. *Bonta*, 699 F. Supp. 3d 956 (SD Cal. 2023), appeal pending, No. 23–2979 (CA9). Opinions from other Courts of Appeals should assist this Court's ultimate decisionmaking on the AR–15 issue. Additional petitions for certiorari will likely be before this Court shortly and, in my view, this Court should and presumably will address the AR–15 issue soon, in the next Term or two.

SUPREME COURT OF THE UNITED STATES

DAVID SNOPE, ET AL. *v.* ANTHONY G. BROWN, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MARYLAND, ET AL.

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

No. 24–203. Decided June 2, 2025

JUSTICE THOMAS, dissenting from the denial of certiorari.

The State of Maryland prohibits ownership of AR–15s, the most popular civilian rifle in America. Md. Crim. Law Code Ann. §4–303(a)(2) (2025). This petition presents the question whether this ban is consistent with the Second Amendment. The Fourth Circuit held that it is, reasoning that AR–15s are not "arms" protected by the Second Amendment. *Bianchi* v. *Brown*, 111 F. 4th 438, 448 (2024) (en banc). I would grant certiorari to review this surprising conclusion.

I

The Second Amendment guarantees "the right of the people to keep and bear Arms." When raising a Second Amendment challenge, an individual has the initial burden of showing that "the Second Amendment's plain text covers [his] conduct." *New York State Rifle & Pistol Assn., Inc.* v. *Bruen*, 597 U. S. 1, 17 (2022). Once a challenger makes that showing, "the Constitution presumptively protects [his] conduct," and the burden shifts to the government to "demonstrate that [its] regulation is consistent with this Nation's historical tradition of firearm regulation." *Ibid.* If the government fails to make that showing, the restriction must be deemed unconstitutional. *Ibid.*

It is difficult to see how Maryland's categorical prohibition on AR–15s passes muster under this framework. To

start, AR–15s are clearly "Arms" under the Second Amendment's plain text. In *District of Columbia* v. *Heller*, 554 U. S. 570 (2008), we held that the term "Arms" in this context covers all "'[w]eapons of offence, or armour of defence.'" *Id.*, at 581; see also *ibid.* (explaining that "Arms" include "'any thing that a man wears for his defence, or takes into his hands, or useth in wrath to cast at or strike another'"). Thus, "the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding." *Id.*, at 582; accord, *United States* v. *Rahimi*, 602 U. S. 680, 691 (2024); *Bruen*, 597 U. S., at 28; *Caetano* v. *Massachusetts*, 577 U. S. 411 (2016) (*per curiam*). AR–15s fall squarely within this category.

Because AR–15s are "Arms," the burden shifts to Maryland to show that banning AR–15s is "consistent with this Nation's historical tradition of firearm regulation." *Bruen*, 597 U. S., at 17. But, I am not aware of any "historical regulation" that could serve as "a proper analogue" to Maryland's ban. *Id.*, at 28–29.

Maryland invokes the "historical tradition of prohibiting the carrying of 'dangerous and unusual weapons.'" *Heller*, 554 U. S., at 627 (citing 4 W. Blackstone, Commentaries on the Laws of England 148–149 (1769)); see Brief in Opposition 22–23. Under this tradition, however, "[a] weapon may not be banned unless it is *both* dangerous *and* unusual." *Caetano*, 577 U. S., at 417 (ALITO, J., concurring in judgment). "[W]eapons 'in common use' today for self-defense" and other lawful purposes remain fully protected. *Bruen*, 597 U. S., at 32 (quoting *Heller*, 554 U. S., at 627). And, AR–15s appear to fit neatly within that category of protected arms. Tens of millions of Americans own AR–15s, and the "overwhelming majority" of them "do so for lawful purposes, including self-defense and target shooting." *Friedman* v. *Highland Park*, 577 U. S. 1039, 1042 (2015) (THOMAS, J., joined by Scalia, J., dissenting from denial of

certiorari); accord, *ante*, at 1–2 (KAVANAUGH, J., statement respecting denial of certiorari); *Harrel* v. *Raoul*, 603 U. S. ___, ___ (2024) (THOMAS, J., statement respecting denial of certiorari) (slip op., at 2). "[A] prohibition of an entire class of 'arms' that is overwhelmingly chosen by American society for th[ese] lawful purpose[s]" falls outside the government's power. *Heller*, 554 U. S., at 628.

II

Despite the foregoing, the Fourth Circuit upheld Maryland's ban on the ground that AR–15s are not "'constitutionally protected arms'" under the plain text of the Second Amendment. 111 F. 4th, at 448. The court acknowledged that, "[a]t first blush, it may appear that [AR–15s] fit comfortably within the term 'arms.'" *Id.*, at 447. But, the court insisted, more is required. Because the Second Amendment "must be interpreted against its historical and legal backdrop," the Fourth Circuit held that the challengers also had to show that "the right to possess" AR–15s falls within "the historical scope of the right to keep and bear arms." *Id.*, at 448. The challengers could not make this showing, in the court's view, because the Second Amendment does not protect the right to own "'dangerous and unusual weapons,'" including AR–15s. *Id.*, at 450, 454–459.

This reasoning is dubious at least twice over. The Fourth Circuit placed too high a burden on the challengers to show that the Second Amendment presumptively protected their conduct. And, its determination that AR–15s are dangerous and unusual does not withstand scrutiny.

A

The Fourth Circuit erred by requiring *the challengers* to prove that the Second Amendment protects their right to own AR–15s—or, in the terms of our Second Amendment jurisprudence, that their conduct falls outside the historical exceptions to the right to keep and bear arms. A challenger

need only show that "the plain text" of the Second Amendment covers his conduct. *Bruen*, 597 U. S., at 32. This burden is met if the law at issue "regulates" Americans' "arms-bearing conduct." *Rahimi*, 602 U. S., at 691. Once the challenger makes this initial showing, it is *the government's* burden to show that a historic limit on the right to bear arms nevertheless justifies its regulation. The Fourth Circuit placed the burden of producing historical evidence on the wrong party.

Our precedents make plain the Fourth Circuit's error. In *Bruen*, we had "little difficulty" determining that "the plain text of the Second Amendment" encompasses "carrying handguns publicly for self-defense." 597 U. S., at 32. We considered the historical limits on the right to bear arms only to determine whether *the State* had met its burden of proving that its regulation was historically justified. See *id.*, at 34–70. Likewise, in *Rahimi*, the Court found it self-evident that a law prohibiting individuals subject to domestic-violence restraining orders from possessing firearms "regulates arms-bearing conduct." 602 U. S., at 691, 693. The Court again considered historical limits only after shifting the burden of proof to the Government. See *id.*, at 693–702.

The Fourth Circuit based its contrary approach on an analogy to the Free Speech Clause of the First Amendment, but that analogy only underscores its error. The court reasoned that historical evidence is necessary to prevent an overbroad understanding of the Second Amendment, just as the Free Speech Clause excludes historically unprotected categories of speech such as "libel, incitement, true threats, fighting words, or falsely shouting fire in a crowded theater." 111 F. 4th, at 447. As we explained in *Bruen*, however, "'*the Government* bears the burden of proving the constitutionality'" of speech restrictions. 597 U. S., at 24 (emphasis added). "[T]hat burden includes showing whether the expressive conduct falls outside of the category

of protected speech" by "point[ing] to historical evidence about the reach of the First Amendment's protections." *Id.*, at 24–25 (emphasis deleted). Treating the Second Amendment "like . . . other constitutional provisions," 111 F. 4th, at 448, we have similarly placed the burden on the government to show that a regulation of arms-bearing conduct falls outside the Second Amendment's protection.

Under the plain text of the Second Amendment, the challengers' only burden is to show that AR–15s are bearable "Arms"—*i.e.*, "'[w]eapons of offence.'" *Heller*, 554 U. S., at 581. By any measure, they are.

B

The Fourth Circuit separately erred in determining that AR–15s fall within the historic exception for dangerous and unusual weapons. "A weapon may not be banned" under this principle "unless it is *both* dangerous *and* unusual." *Caetano*, 577 U. S., at 417 (opinion of ALITO, J.). Weapons "'in common use' today for self-defense" are fully protected. *Bruen*, 597 U. S., at 32 (quoting *Heller*, 554 U. S., at 627). The Fourth Circuit nevertheless eschewed any inquiry into the commonality of AR–15s and the purposes for which they are used, which it dismissed as an "ill-conceived popularity test." 111 F. 4th, at 460. Instead, the court performed its own independent investigation of AR–15s' "utility for self-defense," examining their "military origin," "firepower," and "muzzle velocity," among other features. *Id.*, at 454–459.

Our Constitution allows the American people—not the government—to decide which weapons are useful for self-defense. "A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all." *Heller*, 554 U. S., at 634. In line with that principle, and with the tradition of prohibiting only dangerous *and unusual* weapons, we have never relied on our own assessment of how useful an arm is for self-defense

before deeming it protected. In *Heller*, we found handguns protected because that "class of 'arms' . . . is overwhelmingly chosen by American society for th[e] lawful purpose" of "self-defense." *Id.*, at 628. In *Caetano*, we recognized that stun guns were protected arms solely because they were not "'unusual,'" without addressing the state court's holding that stun guns were "'dangerous per se at common law.'" 577 U. S., at 412; accord, *id.*, at 417 (opinion of ALITO, J.); *Bruen*, 597 U. S., at 28. And, in *Bruen*, we again found "handguns" protected solely because they are "'in common use' today for self-defense," without inquiring whether they are in fact useful for that purpose. *Id.*, at 32.

In response, the Fourth Circuit's "[m]ost importan[t]" objection to a "common use inquiry" was that it would "lea[d] to absurd consequences," such as a constitutional right to own a "bazooka," "ricin pellet-firing umbrella gun," or even a "W54 nuclear warhead" if such weapons become sufficiently "popular." 111 F. 4th, at 460 (internal quotation marks omitted). This reasoning illustrates why the scope of the right to bear arms cannot turn on judicial speculation about the American people's self-defense needs. Even if some nuclear warheads are small enough for an individual to carry, no reasonable person would think to use one to defend himself. Still less could nuclear warheads ever become a *common* means of self-defense. To fend off the fantastical threat of Americans lobbing nuclear warheads at one another, the Fourth Circuit has allowed the very real threat of the government depriving Americans of the rifle that they most favor for protecting themselves and their families. Looking to the standards set "by American society" rather than our judicial colleagues, *Heller*, 554 U. S., at 628, I cannot see how AR–15s fall outside the Second Amendment's protection.*

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*The Fourth Circuit also purported to hold in the alternative that, assuming that AR–15s are protected arms, banning them is consistent with

III

I would not wait to decide whether the government can ban the most popular rifle in America. That question is of critical importance to tens of millions of law-abiding AR–15 owners throughout the country. We have avoided deciding it for a full decade. See *Harrel*, 603 U. S. ___; *Friedman*, 577 U. S. 1039. And, further percolation is of little value when lower courts in the jurisdictions that ban AR–15s appear bent on distorting this Court's Second Amendment precedents. See *Harrel*, 603 U. S., at ___ (opinion of THOMAS, J.) (slip op., at 2) (discussing the Seventh Circuit's parallel conclusion that AR–15s do "not even fall within the scope of the Arms referred to by the Second Amendment"). I doubt we would sit idly by if lower courts were to so subvert our precedents involving any other constitutional right. Until we are vigilant in enforcing it, the right to bear arms will remain "a second-class right." *McDonald* v. *Chicago*, 561 U. S. 742, 780 (2010) (plurality opinion).

The constitutional status of AR–15s is all the more urgent after this Court's decision in *Bondi* v. *VanDerStok*, 604 U. S. ___ (2025). Recently amended regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) provide that a "firearm" under the Gun Control Act includes

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a national tradition of responding to the "threats posed by excessively harmful arms with responsive and proportional legislation." 111 F. 4th, at 464. This holding, however, is not genuinely independent of its misguided common-use analysis. To support the existence of this tradition, the Fourth Circuit identified several 19th-century laws prohibiting certain easily concealable weapons like pistols, dirks, sword canes, and Bowie knives. See *id.*, at 466–467. But, the court nowhere attempted to explain why these laws were not simply instances of States prohibiting dangerous *and unusual* weapons *not in common use* for self-defense. As the dissent noted, when these laws were challenged, 19th-century courts evaluated them based on "whether the regulated weapon was in common use for lawful purposes." See *id.*, at 510–513, 533–534 (opinion of Richardson, J.).

objects that "may readily be completed, assembled, restored, or otherwise converted to" a working firearm. 27 CFR §478.11 (2023). In *VanDerStok*, this Court refused to hold that definition unlawful, reasoning that an "artifact noun"—that is, a "word for a thing created by humans"—may "refer to unfinished objects," and thus that weapon-parts kits are as regulable as the firearms they might eventually become. 604 U. S., at ___ (slip op., at 10). But, "'every single AR–15 can be converted to a machinegun using cheap, flimsy pieces of metal—including coat hangers.'" *Id.*, at ___ (THOMAS, J., dissenting) (slip op., at 13) (quoting *VanDerStok* v. *Garland*, 86 F. 4th 179, 208 (CA5 2023) (Oldham, J., concurring)). Thus, on the Court's logic, it seems that ATF could at any time declare AR–15s to be machineguns prohibited by federal law. 604 U. S., at ___ (opinion of THOMAS, J.) (slip op., at 13) (citing 26 U. S. C. §§5861, 5871). Until we resolve whether the Second Amendment forecloses that possibility, law-abiding AR–15 owners must rely on the goodwill of a federal agency to retain their means of self-defense. That is "no constitutional guarantee at all." *Heller*, 554 U. S., at 634. I respectfully dissent.