

(ORDER LIST: 585 U.S.)

MONDAY, JUNE 25, 2018

APPEAL -- SUMMARY DISPOSITION

17-1295 RUCHO, ROBERT A., ET AL. V. COMMON CAUSE, ET AL.

The judgment is vacated, and the case is remanded to the United States District Court for the Middle District of North Carolina for further consideration in light of *Gill v. Whitford*, 585 U. S. ____ (2018).

CERTIORARI -- SUMMARY DISPOSITIONS

16-9541 CLARK, JEFFREY V. LOUISIANA

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 Supreme Court of Louisiana for further consideration in light of *McCoy v. Louisiana*, 584 U. S. ____ (2018).

16-9608 RENTERIA-MARTINEZ, JOE H. 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 Fifth Circuit for further consideration in light of *Rosales-Mireles v. United States*, 585 U. S. ____ (2018).

17-108 ARLENE'S FLOWERS, INC., ET AL. V. WASHINGTON, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Supreme Court of Washington for further consideration in light of

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n, 584 U. S. ____ (2018).

- 17-6389 CRUZ-PENA, SIMON V. UNITED STATES
- 17-6556 ANTHONY, AVNIEL A. V. UNITED STATES
- 17-6805 AGUSTIN-GARCIA, JORGE V. UNITED STATES
- 17-7261 RUIZ-DOMINGUEZ, LUIS A. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Rosales-Mireles v. United States*, 585 U. S. ____ (2018).

- 17-7779 JOHNSON, ORLANDO 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 Sixth Circuit for further consideration in light of *Sessions v. Dimaya*, 584 U. S. ____ (2018).

- 17-7781 RAMIREZ GALVAN, JOSE L. V. UNITED STATES
- 17-7793 RAMIREZ-HIDALGO, JESUS V. UNITED STATES
- 17-8109 RUBIO-SORTO, JOSE M. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Sessions v. Dimaya*, 584 U. S. ____ (2018).

ORDERS IN PENDING CASES

17M131 DAO, KALIN T. V. UNITED STATES

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

17-1165 DE CSEPEL, DAVID L., ET AL. V. REPUBLIC OF HUNGARY, ET AL.

17-1301 HARVEY, RYAN, ET AL. V. UTE INDIAN TRIBE, ET AL.

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

17-8084 KOCH, MARK A. V. SARGENT, NE

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

17-8616 HARNDEN, PAMELA S. V. MI DEPT. OF H&HS, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until July 16, 2018, 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

16-1094 SUDAN V. HARRISON, RICK, ET AL.

16-1498 WA DEPT. OF LICENSING V. COUGAR DEN, INC.

The petitions for writs of certiorari are granted.

17-419 DAWSON, JAMES, ET UX. V. STEAGER, WV STATE TAX COMM'R

The petition for a writ of certiorari is granted limited to the question presented by the Solicitor General in his brief for the United States as *amicus curiae*.

17-1094 NUTRACEUTICAL CORP. V. LAMBERT, TROY

17-1184 BIESTEK, MICHAEL J. V. BERRYHILL, NANCY A.

17-1229 HELSINN HEALTHCARE V. TEVA PHARMACEUTICALS

17-1272 HENRY SCHEIN, INC., ET AL. V. ARCHER AND WHITE SALES, INC.

The petitions for writs of certiorari are granted.

CERTIORARI DENIED

16-163) WYNN LAS VEGAS, LLC, ET AL. V. CESARZ, JOSEPH, ET AL.
)

16-920) NAT. RESTAURANT ASSN., ET AL. V. DEPT. OF LABOR, ET AL.

17-528 STRANG, JENNIFER V. FORD MOTOR CO., ET AL.

17-1041 SHERIDAN, GERARD A. V. MELENDRES, MANUEL, ET AL.

17-1058 SNR WIRELESS LICENSECO, ET AL. V. FCC, ET AL.

17-1060 UNITED STATES, EX REL. CARTER V. HALLIBURTON CO., ET AL.

17-1093 REED, RODNEY V. TEXAS

17-1134) ELLISON, MARK A., ET AL. V. UNITED STATES
)

17-7809) SWENSON, DOUGLAS L. V. UNITED STATES

17-1150 HOU HSIAO, CHUNG V. HAZUDA, MARK, ET AL.

17-1153 SIERRA PACIFIC INDUS., ET AL. V. UNITED STATES

17-1172 DASSEY, BRENDAN V. DITTMANN, MICHAEL A.

17-1180 UNION PACIFIC RAILROAD CO. V. EEOC

17-1243 SPECIALITY FERTILIZER PRODUCTS V. SHELL OIL CO., ET AL.

17-1251 CASEY, CHARLES H. V. UNITED STATES

17-1279 BERNSTEIN SHUR, ET AL. V. SNOW, SUSAN R.

17-1300) FINDLAY, DAVID, ET AL. V. FEDERAL HOUSING FINANCE AGENCY
)

17-1302) NOMURA SEC. INT'L., INC., ET AL. V. FEDERAL HOUSING FINANCE AGENCY

17-1304 RODRIGUEZ VAZQUEZ, IVAN B. V. SESSIONS, ATT'Y GEN.

17-1309 UNIVERSAL PROCESSING SERV. OF WI V. FEDERAL TRADE COMMISSION

17-1314 RAZA, MOHSIN, ET AL. V. UNITED STATES

17-1328 PRESTON, ROBERT N., ET AL. V. ACOSTA, SEC. OF LABOR

17-1330 SHARP IMAGE GAMING, INC. V. SHINGLE SPRINGS BAND

17-1357 FIVE STAR SENIOR LIVING, ET AL. V. MANDVIWALA, MELINDA

17-1443 SECURITY PEOPLE, INC. V. OJMAR US, LLC

17-1457 MACDONALD, MICHELLE L. V. LAWYERS BOARD
17-1462 REDDI, SATYA V. V. HUGHES & HUGHES, ET AL.
17-1467 GEDDES, WILLIAM, ET AL. V. PEOPLES COUNSEL, ET AL.
17-1468 WILLISTON, KEITH V. VASTERLING, GAIL, ET AL.
17-1475 BEASON, RICHARD D. V. TEXAS
17-1482 WOODHULL, ANGELA V. V. MASCARELLA, SHIRLEY, ET AL.
17-1488 TIMBES, PAMELA M. V. DEUTSCHE BANK, ET AL.
17-1489 BRADDOCK, JAMES J. V. JOLIE, ANGELINA, ET AL.
17-1496 RINGGOLD, NINA, ET AL. V. SANKARY, MYER, ET AL.
17-1500 WILLIAMS, AMINATA M. V. 21ST MORTGAGE CORP., ET AL.
17-1525 SEGALINE, MICHAEL V. WA DEPT. OF LABOR, ET AL.
17-1526 DAVIDSON, JANA, ET AL. V. FAIRCHILD CONTROLS CORPORATION
17-1558 ODOM, ANTHONY C. V. ADGER, JERRY B., ET AL.
17-1567 JENSEN, WILLIAM F. V. OBENLAND, SUPT., MONROE
17-1577 BEST, LEONARD L., ET AL. V. CIR
17-1583 BALES, ROBERT V. UNITED STATES
17-1585 BUGONI, PIERO A. V. O'BRIEN, TAYLOR, ET AL.
17-1593 SUBWAY RESTAURANTS, INC. V. WARCIAK, MATTHEW
17-1597 MULLARKEY, JOHN V. KAUFFMAN, SUPT., ET AL.
17-6790 WINGO, REBECCA V. KANSAS
17-7141 YOUNG, JAMES R. V. OCASIO, WARDEN
17-7282 HUEY, DARNELL L. V. KANSAS
17-7301 MEREDITH, STEVE V. KANSAS
17-7459 SCOTT, ROBERT V. V. UNITED STATES
17-7592 CHANEY, MICHAEL V. UNITED STATES
17-7785 STEVENS, RAYFORD V. UNITED STATES
17-8003 SIMMONS, AMI L. V. KANSAS
17-8188 GROUP, SCOTT V. ROBINSON, WARDEN

17-8344 THARPE, KEITH V. SELLERS, WARDEN
17-8428 REAVES, WILLIAM V. JONES, SEC., FL DOC
17-8572 SUGHRUE, FRANCIS W. V. FLORIDA, ET AL.
17-8574 JACOBS, JOHN J. V. ESTEFAN, EMILIO
17-8575 LINEHAN, DENNIS D. V. PIPER, EMILY
17-8577 BAILEY, ROBERT G. V. GARDNER, JOSEPH, ET AL.
17-8578 BAILEY, ROBERT G. V. BLAKE, C. C., ET AL.
17-8579 BRANNAN, DUANE F. V. KANSAS
17-8580 ADAMS, CHARLES R. V. BAILEY, LIEUTENANT, ET AL.
17-8581 BICKHAM, DEVIN V. ILLINOIS
17-8582 BAILEY, ROBERT G. V. CUMBERLAND COUNTY, NC, ET AL.
17-8589 RAFAY, ATIF V. WASHINGTON
17-8592 RODRIGUEZ, HUMBERTO V. DAVIS, DIR., TX DCJ
17-8593 BROOKS, KEITH C. V. RAEMISCH, EXEC. DIR., CO DOC
17-8596 DEKOM, MARTIN V. USDC DC
17-8597 STEVENSON, RONALD A. V. BISBEE, CONNIE S., ET AL.
17-8609 LOPEZ, JOSE M. V. SANTA ANA, CA, ET AL.
17-8610 LEPON, LEIGH L. V. IOWA
17-8613 THOMAS, HENRY A. V. FLORIDA
17-8620 K. H. V. WISCONSIN
17-8622 PAVON, MILTON V. TEXAS
17-8641 BOYD, MARINA J. V. CITIMORTGAGE INC.
17-8644 MARTIN, WILLIAM E. V. SINCLAIR COM. COLLEGE, ET AL.
17-8652 JONES, MARVIN B. V. FLORIDA
17-8656 BEACHEM, BRANDON R. V. FL DEPT. OF REVENUE
17-8657 BASSETT, WILLIE V. HORTON, WARDEN
17-8685 BELL, YOLANDA V. INOVA HEALTH CARE
17-8702 BRADLEY, ELOUISE V. WI DEPT. OF CHILDREN, ET AL.

17-8741 ZHUANG, LING V. SUPERIOR COURT OF CA, ET AL.
17-8742 MORALES, JONATHAN V. JONES, SEC., FL DOC
17-8758 KHALIL, EZZAT S. V. SESSIONS, ATT'Y GEN.
17-8825 WALKER, OCTAVIUS V. FLORIDA
17-8854 FISH, TERRY V. ELON PROPERTY MANAGEMENT
17-8868 MATTISON, LAWRENCE V. VIRGINIA
17-8907 JEANBART, LENSKY M. V. FLORIDA
17-8929 ISOM, LORNINOUS A. V. FLORIDA
17-8934 HAWKINS, GILLETTE V. KAUFFMAN, SUPT., HUNTINGDON
17-8941 KENNEL, JUANE T. V. GRIFFITH, WARDEN
17-8964 BURTON, DARRYL V. UNITED STATES
17-8966 AVILA-LUNA, HECTOR M. V. UNITED STATES
17-8969 NOE, PETER G. V. DANIELS, WARDEN
17-8975 BUXTON, ANDY V. ESTOCK, SUPT., MERCER, ET AL.
17-8978 JOSEPH, PATRICK V. UNITED STATES
17-8979 AMODEO, FRANK L. V. UNITED STATES
17-8980 BLANCHARD, FRITZ V. UNITED STATES
17-8982 OWENS, SHONGO L. V. UNITED STATES
17-9009 WILSON, MICHAEL S. V. GAETZ, DONALD, ET AL.
17-9029 SMITH, ANTOINE D. V. UNITED STATES
17-9033 RILEY, SPENCER V. CALLOWAY, WARDEN
17-9037 GOFPHIN, DARYL V. UNITED STATES
17-9039 PLAKETTA, ANTONIO P. V. UNITED STATES
17-9042 JACKSON, DONNELL V. UNITED STATES
17-9043 FYKES, MICHAEL V. UNITED STATES
17-9049 SUBLETT, RUSSELL V. UNITED STATES
17-9050 PATRICK SALVADOR V. UNITED STATES
17-9053 TIZOC, JOSE L. V. UNITED STATES

17-9055 OLIVIER, RAYMOND E. V. UNITED STATES
17-9057 AGUDO-MONROY, BOGAR V. UNITED STATES
17-9059 RIVERA-CRUZ, JOSE L. V. UNITED STATES
17-9061 REYES-RAMIREZ, JAVIER V. UNITED STATES
17-9065 CHAMBERS, CHRISTOPHER C. V. UNITED STATES
17-9066 FLOYD, JONATHAN V. UNITED STATES
17-9067 DAVIS, MICHAEL R. V. UNITED STATES
17-9068 BOAZ, THOMAS V. UNITED STATES
17-9070 PINA, ORLANDO V. UNITED STATES
17-9083 COOKE, JAMES E. V. DELAWARE
17-9129 MAGEE, KAUNDA L. V. LOUISIANA

The petitions for writs of certiorari are denied.

17-423 STERBA, RICHARD, ET UX. V. PNC BANK

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

17-1159) NORTHERN ARAPAHO TRIBE, ET AL. V. WYOMING, ET AL.
)
17-1164) EASTERN SHOSHONE TRIBE V. WYOMING, ET AL.

The petitions for writs of certiorari are denied. Justice Gorsuch took no part in the consideration or decision of these petitions.

17-1354 GELHAUS, ERICK V. LOPEZ, ANDY

The motion of Peace Officers' Research Association of California, et al. for leave to file a brief as *amici curiae* is granted. The motion of California State Sheriffs' Association, et al. for leave to file a brief as *amici curiae* is granted. The motion of Force Litigation Consulting LLC, et al. for leave to file a brief as *amici curiae* is granted. The motion of

International Municipal Lawyers Association, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

17-1439 VEY, EILEEN V. TYSKIEWIEZ, JERRY

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

17-7869 MARSHALL, MATTHEW V. JONES, SEC., FL DOC

The motion of The Promise of Justice Initiative for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

17-8557 ROSE, SUSAN V. USCA 10

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.

17-8627 ARLOTTA, JAMES V. COOK MOVING SYSTEM, INC., ET AL.

The petition for a writ of certiorari before judgment is denied.

17-8643 KERSEY, GEORGE E. V. BECTON DICKINSON & CO., ET AL.

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

17-8682 GILLESPIE, NEIL V. REVERSE MORTGAGE SOLUTIONS

17-8689 GILLESPIE, NEIL V. REVERSE MORTGAGE, ET AL.

17-9028 SCOTTON, ROGERIO C. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

HABEAS CORPUS DENIED

17-9155 IN RE LAWRENCE WILLIAMS

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

17-8811 IN RE HAROLD B. MASON

The petition for a writ of mandamus is denied.

17-8965 IN RE ALLAH

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

17-1362 SCHNEIDER, CHARLES V. V. CIR

17-6721 ONTIVEROS-CEDILLO, ADRIAN E. V. UNITED STATES

17-7918 IN RE JOHN V. COLEN

17-8167 SPALDING, DAVID L. V. UNITED STATES

17-8204 SAID, ALBER I V. CIR

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-3013 IN THE MATTER OF DISBARMENT OF STACY ENID LEBOW SIEGEL

Stacy Enid Lebow Siegel, of Towson, Maryland, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon her requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Stacy Enid Lebow Siegel is disbarred from the practice of law in this Court.

D-3015 IN THE MATTER OF DISBARMENT OF KEITH ALAN BASSI

Keith Alan Bassi, of Charleroi, Pennsylvania, having been

suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Keith Alan Bassi is disbarred from the practice of law in this Court.

D-3016

IN THE MATTER OF DISBARMENT OF HAROLD E. BRAZIL

Harold E. Brazil, of Washington, District of Columbia, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Harold E. Brazil is disbarred from the practice of law in this Court.

D-3017

IN THE MATTER OF DISBARMENT OF THOMAS ALLEN CRAWFORD, JR.

Thomas Allen Crawford, Jr., of Pittsburgh, Pennsylvania, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Thomas Allen Crawford, Jr. is disbarred from the practice of law in this Court.

D-3018

IN THE MATTER OF DISBARMENT OF JOHNNY S. GASKINS

Johnny S. Gaskins, of Raleigh, North Carolina, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Johnny S. Gaskins is disbarred from the practice of law in this Court.

D-3019 IN THE MATTER OF DISBARMENT OF LARRY JAMES LANDRY

Larry James Landry, of Seattle, Washington, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Larry James Landry is disbarred from the practice of law in this Court.

D-3020 IN THE MATTER OF DISBARMENT OF DIANA BETH DENRICH

Diana Beth Denrich, of Frederick, Maryland, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Diana Beth Denrich is disbarred from the practice of law in this Court.

D-3021 IN THE MATTER OF DISBARMENT OF EDWARD SMITH, JR.

Edward Smith, Jr., of Baltimore, Maryland, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that is disbarred from the practice of law in this Court.

D-3023 IN THE MATTER OF DISBARMENT OF KINSLEY FRAMPTON NYCE

Kinsley Frampton Nyce, of Columbus, Ohio, having been

suspended from the practice of law in this Court by order of April 16, 2018; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Kinsley Frampton Nyce is disbarred from the practice of law in this Court.

D-3024

IN THE MATTER OF DISBARMENT OF DONALD B. TERRELL

Donald B. Terrell, of Washington, District of Columbia, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Donald B. Terrell is disbarred from the practice of law in this Court.

D-3025

IN THE MATTER OF DISBARMENT OF WILLIAM LEE ANDREWS, III

William Lee Andrews, III, of Roanoke, Virginia, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that William Lee Andrews, III is disbarred from the practice of law in this Court.

D-3026

IN THE MATTER OF DISBARMENT OF SIDNEY MOXEY HARRELL, JR.

Sidney Moxey Harrell, Jr., of Mobile, Alabama, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Sidney Moxey Harrell, Jr. is disbarred from the practice of law in this Court.

D-3027

IN THE MATTER OF DISBARMENT OF BYRON CARROLL LOUDON

Byron Carroll Loudon, of Overland Park, Kansas, having been suspended from the practice of law in this Court by order of April 2, 2018; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Byron Carroll Loudon is disbarred from the practice of law in this Court.

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Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

ROBERT IRA PEEDE *v.* JULIE L. JONES, SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.

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

No. 17–8491. Decided June 25, 2018

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, respecting the denial of certiorari.

In his petition for writ of habeas corpus under 28 U. S. C. §2254, petitioner Robert Peede contended that he received ineffective assistance of counsel during his capital sentencing proceedings because his trial counsel did not present certain mitigating evidence concerning his mental health and difficult childhood. The District Court granted habeas relief on the basis that counsel’s performance was deficient and that there was a reasonable probability that Peede would have received a different sentence had counsel introduced the mitigating evidence. On appeal from that decision, the Court of Appeals for the Eleventh Circuit reversed. In its view, Peede could not establish that he was prejudiced by any deficiency of counsel because the “new mitigation evidence . . . posed a doubled-edge-sword dilemma” in that “the new information could have hurt as much as it helped.” *Peede v. Attorney General*, 715 Fed. Appx. 923, 931 (2017). The Eleventh Circuit further noted that it “ha[s] repeatedly ruled that [such so-called double-edged] post-conviction evidence is usually insufficient to warrant habeas relief.” *Id.*, at 931–932.

Such a blanket rule foreclosing a showing of prejudice because the new evidence is double edged flatly contradicts this Court’s precedent. See *Rompilla v. Beard*, 545 U. S. 374, 393 (2005); *Wiggins v. Smith*, 539 U. S. 510, 534

Statement of SOTOMAYOR, J.

(2003); *Williams v. Taylor*, 529 U. S. 362, 398 (2000). As I recently emphasized in dissent from the denial of certiorari in *Trevino v. Davis*, 584 U. S. ___ (2018), “[w]here . . . new evidence presented during postconviction proceedings includes both mitigating and aggravating factors, a court still must consider all of the mitigating evidence alongside all of the aggravating evidence.” *Id.*, at ___ (slip op., at 3). That is, “new evidence must not be evaluated in isolation,” regardless of whether it is considered to be double edged. *Ibid.*

Considering the posture of this case, under which our review is constrained by the Antiterrorism and Effective Death Penalty Act of 1996, 28 U. S. C. §§2254(d)(1)–(2), I cannot conclude the particular circumstances here warrant this Court’s intervention. That said, the Eleventh Circuit’s consideration of Peede’s claim is deeply concerning. The ultimate question at issue in a case like this is whether “there is a reasonable probability that [the jury] would have struck a different balance.” *Wiggins*, 539 U. S., at 537. A truncated consideration of new mitigating evidence that simply dismisses it as double edged does nothing to further that inquiry.