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Supreme Court Orders Potentially Misunderstood and Confusing—Case Study of Two Recent Supreme Court Orders

James T Struck
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Faced with around 10,000 petitions for certiorari every year and thousands of other reconsideration, mandamus, rehearing, ruling, decision, opinion, appointment, fellowship, research, solicitor general requests, it is no surprise that the Supreme Court's orders have potentially confusing content. Let's consider a recent order of the U.S. Supreme Court from this month.

Please read the order from

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Let’s say that the lower court decides to comply with Justice Breyer’s dissent. A lower court could view this order as mandating compliance with Justice Breyer rather than accepting the
denial of stay of execution after Court referral from Justice Thomas. Any order or lower court could use the view of the dissenting judge as the basis of their actions. Particularly if Justice Breyer were the circuit judge for that district, the circuit could comply with Justice Breyer’s dissent and not the majority opinion.

Similarly for Struck v. Cook County Guardian, since I live in the 7th circuit court of appeals region of Justice John Paul Stevens writing in dissent, I could just as easily comply with Justice John Paul Stevens dissent from the requirement to pay fees rather than accept an in forma pauperis petition were my mom and I were being tortured by Cook County and Illinois where Cook County and Illinois were and are denying phone, visits, fresh air away from smoke, consent, religious services, home, dental services, museums, parks, zoos, reunions, family association, visitation, church, restoration, rights to decide, caregiver reimbursement, mail, medical records, fresh air away from smoking, consent and other liberties amounting to Civil Rights Conspiracy by Cook County and Illinois against my mom and my French, Belgian, Luxembourg, German, Lithuanian, Russian ancestry and my history of Uranium exposure and my mom’s blood pressure, health and speech variations.

Confusing orders can be helpful in allowing lower courts and people’s variety in response to higher court orders. Clarity is not always something that we want as clarity could result in rights denial or execution when not necessary or required. Clarity in rulings is not always desired; some dissenting opinions and confusion can be helpful and protective of rights and liberties.