

# THE STATISTICS

## TABLE I<sup>a</sup>

### (A) ACTIONS OF INDIVIDUAL JUSTICES

	OPINIONS WRITTEN <sup>b</sup>				DISSENTING VOTES <sup>c</sup>		
	Opinions of Court <sup>d</sup>	Concurrences <sup>e</sup>	Dissents <sup>e</sup>	TOTAL	In Disposition by		
					Opinion	Memo-randum <sup>f</sup>	TOTAL
Roberts	7	2	1	10	4	0	4
Thomas	7	11	6	24	13	0	13
Breyer	6	1	6	13	14	2	16
Alito	6	8	5	19	12	0	12
Sotomayor	6	6	7	19	19	2	21
Kagan	6	1	3	10	15	2	17
Gorsuch	6	6	6	18	10	0	10
Kavanaugh	6	6	2	14	2	0	2
Barrett	4	1	3	8	5	0	5
Per Curiam	8	—	—	8	—	—	—
<b>Total</b>	<b>62</b>	<b>42</b>	<b>39</b>	<b>143</b>	<b>94</b>	<b>6</b>	<b>100</b>

<sup>a</sup> A complete explanation of how the tables are compiled may be found in *The Supreme Court, 2004 Term — The Statistics*, 119 HARV. L. REV. 415, 415–19 (2005).

Table I, with the exception of the dissenting-votes portion of Table I(A) and the memorandum tabulations in Table I(C), includes only full-opinion decisions. Eight per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions in October Term 2020. These opinions were *Taylor v. Riojas*, 141 S. Ct. 52 (2020); *Shinn v. Kayer*, 141 S. Ct. 517 (2020); *Trump v. New York*, 141 S. Ct. 530 (2020); *Mays v. Hines*, 141 S. Ct. 1145 (2021); *Alaska v. Wright*, 141 S. Ct. 1467 (2021); *Pakdel v. City & County of San Francisco*, 141 S. Ct. 2226 (2021); *Lombardo v. City of St. Louis*, 141 S. Ct. 2239 (2021); and *Dunn v. Reeves*, 141 S. Ct. 2405 (2021).

This table includes every opinion designated by the Court as a 2020 Term Opinion except for six. See *Opinions of the Court — 2020*, SUP. CT. OF THE U.S., <https://www.supremecourt.gov/opinions/slipopinion/20> [<https://perma.cc/VJ7E-YLV3>]. The omitted opinions are *Mckesson v. Doe*, 141 S. Ct. 48 (2020), in which the Court did not resolve the case on the merits; *Henry Schein, Inc. v. Archer & White Sales, Inc.*, 141 S. Ct. 656 (2021), in which the Court dismissed the writ of certiorari as improvidently granted; *Republic of Hungary v. Simon*, 141 S. Ct. 691 (2021), in which the Court issued a decree without an opinion; *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020) (per curiam), and *Tandon v. Newsom*, 141 S. Ct. 1294 (2021), in which the Court granted petitioners' applications for injunctive relief but did not dispose of the cases on the merits; and *Alabama Ass'n of Realtors v. Department of Health & Human Services*, 141 S. Ct. 2485 (2021), in which the Court granted petitioners' application for vacatur of a stay but did not dispose of the cases on the merits.

A memorandum order is a case decided by summary order and contained in the Court's weekly order lists issued throughout the Term. This category excludes summary orders designated as opinions by the Court. The memorandum tabulations include memorandum orders disposing of cases on their merits by affirming, reversing, vacating, or remanding. They exclude orders disposing of petitions for certiorari, dismissing writs of certiorari as improvidently granted, dismissing appeals for lack of jurisdiction, disposing of miscellaneous applications, and certifying questions for review.

TABLE I (*continued*)

---

The memorandum tabulations also exclude orders relating to payment of docketing fees and dissents therefrom.

<sup>b</sup> This portion of Table I(A) includes only opinions authored in the sixty-two cases with full opinions this Term. Thus, dissents from denials of certiorari and concurrences or dissents from summary affirmances are not included. A concurrence or dissent is recorded as a written opinion whenever its author provided a reason, however brief, for his or her vote.

<sup>c</sup> A Justice is considered to have dissented whenever he or she voted to dispose of the case in any manner different from the manner specified by the majority of the Court.

<sup>d</sup> A plurality opinion that announced the judgment of the Court is counted as the opinion of the Court. Thus, for example, Justice Kagan's opinion in *Borden v. United States*, 141 S. Ct. 1817 (2021), is considered the opinion of the Court in that case, even though only three Justices joined her reasoning.

<sup>e</sup> Opinions concurring in part, concurring in the judgment, or concurring in both are counted as concurrences. Opinions concurring in part and dissenting in part are counted as dissents.

<sup>f</sup> Dissenting votes in memorandum decisions include instances in which Justices expressed that they would not have disposed of the case by memorandum order or that they would not have granted the writ of certiorari. Therefore, Justice Kagan is treated as having dissented from the Court's vacatur in *United States v. Higgs*, 141 S. Ct. 645 (2021) (mem.), because she wrote separately to note that she would not have granted the writ. This category does not include dissenting votes in orders relating to applications for emergency relief; that information is presented in Table IV and its accompanying footnotes.

TABLE I (continued)  
 (B1) VOTING ALIGNMENTS — ALL WRITTEN OPINIONS<sup>8</sup>

		Roberts	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	O	—	39	41	42	36	40	42	57	41
	S	—	1	1	6	0	0	0	5	4
	D	—	40	41	46	36	40	42	59	42
	N	—	62	62	61	62	62	62	62	51
	<b>P (%)</b>	—	<b>64.5</b>	<b>66.1</b>	<b>75.4</b>	<b>58.1</b>	<b>64.5</b>	<b>67.7</b>	<b>95.2</b>	<b>82.4</b>
Thomas	O	39	—	31	35	26	31	39	40	33
	S	1	—	2	7	2	4	14	2	4
	D	40	—	33	42	28	35	50	41	37
	N	62	—	62	61	62	62	62	62	51
	<b>P (%)</b>	<b>64.5</b>	—	<b>53.2</b>	<b>68.9</b>	<b>45.2</b>	<b>56.5</b>	<b>80.6</b>	<b>66.1</b>	<b>72.5</b>
Breyer	O	41	31	—	29	40	43	36	43	31
	S	1	2	—	0	15	14	1	1	1
	D	41	33	—	29	54	56	36	43	31
	N	62	62	—	61	62	62	62	62	51
	<b>P (%)</b>	<b>66.1</b>	<b>53.2</b>	—	<b>47.5</b>	<b>87.1</b>	<b>90.3</b>	<b>58.1</b>	<b>69.4</b>	<b>60.8</b>
Alito	O	42	35	29	—	26	28	37	43	34
	S	6	7	0	—	0	0	9	4	4
	D	46	42	29	—	26	28	45	45	36
	N	61	61	61	—	61	61	61	61	50
	<b>P (%)</b>	<b>75.4</b>	<b>68.9</b>	<b>47.5</b>	—	<b>42.6</b>	<b>45.9</b>	<b>73.8</b>	<b>73.8</b>	<b>72.0</b>
Sotomayor	O	36	26	40	26	—	39	31	38	26
	S	0	2	15	0	—	16	1	0	1
	D	36	28	54	26	—	54	31	38	27
	N	62	62	62	61	—	62	62	62	51
	<b>P (%)</b>	<b>58.1</b>	<b>45.2</b>	<b>87.1</b>	<b>42.6</b>	—	<b>87.1</b>	<b>50.0</b>	<b>61.3</b>	<b>52.9</b>
Kagan	O	40	31	43	28	39	—	36	42	31
	S	0	4	14	0	16	—	3	0	2
	D	40	35	56	28	54	—	38	42	33
	N	62	62	62	61	62	—	62	62	51
	<b>P (%)</b>	<b>64.5</b>	<b>56.5</b>	<b>90.3</b>	<b>45.9</b>	<b>87.1</b>	—	<b>61.3</b>	<b>67.7</b>	<b>64.7</b>
Gorsuch	O	42	39	36	37	31	36	—	44	36
	S	0	14	1	9	1	3	—	1	4
	D	42	50	36	45	31	38	—	44	40
	N	62	62	62	61	62	62	—	62	51
	<b>P (%)</b>	<b>67.7</b>	<b>80.6</b>	<b>58.1</b>	<b>73.8</b>	<b>50.0</b>	<b>61.3</b>	—	<b>71.0</b>	<b>78.4</b>
Kavanaugh	O	57	40	43	43	38	42	44	—	43
	S	5	2	1	4	0	0	1	—	5
	D	59	41	43	45	38	42	44	—	44
	N	62	62	62	61	62	62	62	—	51
	<b>P (%)</b>	<b>95.2</b>	<b>66.1</b>	<b>69.4</b>	<b>73.8</b>	<b>61.3</b>	<b>67.7</b>	<b>71.0</b>	—	<b>86.3</b>
Barrett	O	41	33	31	34	26	31	36	43	—
	S	4	4	1	4	1	2	4	5	—
	D	42	37	31	36	27	33	40	44	—
	N	51	51	51	50	51	51	51	51	—
	<b>P (%)</b>	<b>82.4</b>	<b>72.5</b>	<b>60.8</b>	<b>72.0</b>	<b>52.9</b>	<b>64.7</b>	<b>78.4</b>	<b>86.3</b>	—

TABLE I (continued)  
 (B<sub>2</sub>) VOTING ALIGNMENTS — NONUNANIMOUS CASES<sup>h</sup>

		Roberts	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	O	—	18	20	21	15	19	21	36	25
	S	—	1	0	6	0	0	0	5	4
	D	—	19	20	25	15	19	21	38	26
	N	—	41	41	40	41	41	41	41	35
	<b>P (%)</b>	—	<b>46.3</b>	<b>48.8</b>	<b>62.5</b>	<b>36.6</b>	<b>46.3</b>	<b>51.2</b>	<b>92.7</b>	<b>74.3</b>
Thomas	O	18	—	10	14	5	10	18	19	17
	S	1	—	2	7	2	4	14	2	4
	D	19	—	12	21	7	14	29	20	21
	N	41	—	41	40	41	41	41	41	35
	<b>P (%)</b>	<b>46.3</b>	—	<b>29.3</b>	<b>52.5</b>	<b>17.1</b>	<b>34.1</b>	<b>70.7</b>	<b>48.8</b>	<b>60.0</b>
Breyer	O	20	10	—	8	19	22	15	22	15
	S	0	2	—	0	15	14	1	1	1
	D	20	12	—	8	33	35	15	22	15
	N	41	41	—	40	41	41	41	41	35
	<b>P (%)</b>	<b>48.8</b>	<b>29.3</b>	—	<b>20.0</b>	<b>80.5</b>	<b>85.4</b>	<b>36.6</b>	<b>53.7</b>	<b>42.9</b>
Alito	O	21	14	8	—	5	7	16	22	18
	S	6	7	0	—	0	0	9	4	4
	D	25	21	8	—	5	7	24	24	20
	N	40	40	40	—	40	40	40	40	34
	<b>P (%)</b>	<b>62.5</b>	<b>52.5</b>	<b>20.0</b>	—	<b>12.5</b>	<b>17.5</b>	<b>60.0</b>	<b>60.0</b>	<b>58.8</b>
Sotomayor	O	15	5	19	5	—	18	10	17	10
	S	0	2	15	0	—	16	1	0	1
	D	15	7	33	5	—	33	10	17	11
	N	41	41	41	40	—	41	41	41	35
	<b>P (%)</b>	<b>36.6</b>	<b>17.1</b>	<b>80.5</b>	<b>12.5</b>	—	<b>80.5</b>	<b>24.4</b>	<b>41.5</b>	<b>31.4</b>
Kagan	O	19	10	22	7	18	—	15	21	15
	S	0	4	14	0	16	—	3	0	2
	D	19	14	35	7	33	—	17	21	17
	N	41	41	41	40	41	—	41	41	35
	<b>P (%)</b>	<b>46.3</b>	<b>34.1</b>	<b>85.4</b>	<b>17.5</b>	<b>80.5</b>	—	<b>41.5</b>	<b>51.2</b>	<b>48.6</b>
Gorsuch	O	21	18	15	16	10	15	—	23	20
	S	0	14	1	9	1	3	—	1	4
	D	21	29	15	24	10	17	—	23	24
	N	41	41	41	40	41	41	—	41	35
	<b>P (%)</b>	<b>51.2</b>	<b>70.7</b>	<b>36.6</b>	<b>60.0</b>	<b>24.4</b>	<b>41.5</b>	—	<b>56.1</b>	<b>68.6</b>
Kavanaugh	O	36	19	22	22	17	21	23	—	27
	S	5	2	1	4	0	0	1	—	5
	D	38	20	22	24	17	21	23	—	28
	N	41	41	41	40	41	41	41	—	35
	<b>P (%)</b>	<b>92.7</b>	<b>48.8</b>	<b>53.7</b>	<b>60.0</b>	<b>41.5</b>	<b>51.2</b>	<b>56.1</b>	—	<b>80.0</b>
Barrett	O	25	17	15	18	10	15	20	27	—
	S	4	4	1	4	1	2	4	5	—
	D	26	21	15	20	11	17	24	28	—
	N	35	35	35	34	35	35	35	35	—
	<b>P (%)</b>	<b>74.3</b>	<b>60.0</b>	<b>42.9</b>	<b>58.8</b>	<b>31.4</b>	<b>48.6</b>	<b>68.6</b>	<b>80.0</b>	—

## TABLE I (continued)

<sup>g</sup> Table I(B1) records the frequency with which each Justice voted with each of the other Justices in full-opinion decisions, including the eight per curiam decisions containing sufficient legal reasoning to be considered full opinions. See *supra* note a.

Two Justices are considered to have agreed whenever they joined the same opinion, as indicated by either the Reporter of Decisions or the explicit statement of a Justice in his or her own opinion. This table does not treat a Justice as having joined the opinion of the Court unless that Justice authored or joined the opinion of the Court in full, or authored or joined at least part of the opinion of the Court and did not author or join any opinion concurring in the judgment, even in part, or dissenting, even in part. For the purpose of counting dissents and concurrences, however, a Justice who partially joined an opinion is considered to have fully joined it. Therefore, Justice Kagan is not treated as having joined the opinion of the Court in *Collins v. Yellen*, 141 S. Ct. 1761 (2021), because she authored an opinion concurring in part and concurring in the judgment. By contrast, Justice Alito is treated as having fully joined the Court's opinion in *Yellen v. Confederated Tribes of the Chehalis Reservation*, 141 S. Ct. 2434 (2021), even though he did not join Parts II-A or II-B. For the purposes of these tables, Justices Alito and Kavanaugh are not counted as agreeing in an opinion separate from the opinion of the Court in *Nestlé USA, Inc. v. Doe*, 141 S. Ct. 1931 (2021), because while they both joined Justice Gorsuch's concurring opinion, Justice Alito joined only Part I and Justice Kavanaugh joined only Part II.

In Tables I(B1) and I(B2), "O" represents the number of decisions in which a particular pair of Justices agreed in an opinion of the Court or an opinion announcing the judgment of the Court. "S" represents the number of decisions in which two Justices agreed in any opinion separate from the opinion of the Court. Such separate opinions include concurrences, dissents, and those portions of an opinion of the Court not joined by at least four other Justices. Justices who together joined more than one separate opinion in a case are considered to have agreed only once. "D" represents the number of decisions in which two Justices agreed in a majority, plurality, concurring, or dissenting opinion. A decision is counted only once in the "D" category if two Justices both joined the opinion of the Court and joined a separate concurrence. Thus, in some situations the "D" value will be less than the sum of the "O" and "S" values. "N" represents the number of decisions in which both Justices participated, and thus the number of opportunities for agreement. "P" represents the percentage of decisions in which one Justice agreed with another Justice and is calculated by dividing the "D" value by the "N" value, and multiplying the quotient by 100.

<sup>h</sup> Like Table I(B1), Table I(B2) records the frequency with which each of the Justices voted with each other Justice in full opinions, but Table I(B2) records these voting alignments only for cases that were not unanimously decided. A decision is considered unanimous for purposes of Table I whenever all the Justices joined the opinion of the Court and no Justice concurred only in the judgment, even in part, or dissented, even in part. Removing the unanimous cases produces lower rates of agreement overall, providing a more accurate picture of how the Justices voted in divisive cases.

TABLE I (continued)

## (C) UNANIMITY

	Unanimous	With Concurrence <sup>i</sup>	With Dissent	TOTAL
Full Opinions	21 (33.9%)	6 (9.7%)	35 (56.4%)	62
Memorandum Orders <sup>j</sup>	85 (96.6%)	1 (1.1%)	2 (2.3%)	88

(D) VOTING PATTERNS IN NONUNANIMOUS CASES<sup>k</sup>

	TOTAL CASES	JOINING THE OPINION OF THE COURT <sup>l</sup>		AGREEING IN THE DISPOSITION OF THE CASE <sup>m</sup>	
		Number	Percentage	Number	Percentage
Roberts	41	36	87.8%	37	90.2%
Thomas	41	20	48.8%	28	68.3%
Breyer	41	25	61.0%	28	68.3%
Alito	40	22	55.0%	28	70.0%
Sotomayor	41	20	48.8%	23	56.1%
Kagan	41	24	58.5%	26	63.4%
Gorsuch	41	26	63.4%	31	75.6%
Kavanaugh	41	38	92.7%	39	95.1%
Barrett	35	29	82.9%	30	85.7%

<sup>i</sup> A decision is listed in this column if at least one Justice concurred in the judgment, but not in the Court's opinion in full, and no Justice dissented, even in part. See, e.g., *Ford Motor Co. v. Mont.* 8th Jud. Dist. Ct., 141 S. Ct. 1017 (2021).

<sup>j</sup> In *Shao v. Roberts*, 141 S. Ct. 951 (2020) (mem.), six Justices disqualified themselves. Because the Court therefore lacked a quorum, this opinion is not included in Table I(C).

<sup>k</sup> Table I(D) records the frequency with which each Justice joined the opinion of the Court in nonunanimous, full-opinion decisions. This table includes the eight per curiam decisions containing sufficient legal reasoning to be considered full opinions, see *supra* note a, if those decisions produced dissenting votes.

<sup>l</sup> This portion of the table reports the number of times that each Justice joined the opinion of the Court, according to the rule described in note g.

<sup>m</sup> This portion of the table reports the number of times that each Justice agreed with the Court's disposition of a case. It includes all cases in which a Justice joined the opinion of the Court, but unlike the portion of the table described in note l, it also includes those cases in which the Justice concurred in the judgment without joining the Court's opinion in full. Cases in which the Justice dissented, even in part, are not included.

TABLE I (continued)

## (E) 5–4 DECISIONS

Justices Constituting the Majority	Number of Decisions <sup>n</sup>
Roberts, Breyer, Sotomayor, Kagan, and Kavanaugh <sup>o</sup>	2
Roberts, Breyer, Alito, Sotomayor, and Kavanaugh <sup>p</sup>	1
Roberts, Breyer, Kagan, Kavanaugh, and Barrett <sup>q</sup>	1
Roberts, Alito, Gorsuch, Kavanaugh, and Barrett <sup>r</sup>	1
Thomas, Breyer, Sotomayor, Kagan, and Gorsuch <sup>s</sup>	1
Total	6

(F) AVERAGE OPINION LENGTH<sup>t</sup>

	Opinion of the Court	Plurality Opinion	Concurring Opinion	Concurring in Judgment <sup>u</sup>	Dissenting Opinion <sup>u</sup>	TOTAL PAGES
Roberts	18.2	—	0.4	18.5	11.3	157.3
Thomas	8.1	—	6.0	3.5	13.9	191.3
Breyer	15.7	—	—	0.6	12.4	168.8
Alito	20.0	—	7.5	17.5	8.8	274.2
Sotomayor	12.8	—	2.7	9.1	12.5	193.7
Kagan	14.3	22.5	—	5.1	19.0	156.3
Gorsuch	18.0	—	4.6	9.8	11.6	215.4
Kavanaugh	16.1	—	2.3	—	29.3	169.1
Barrett	12.6	—	1.7	—	11.2	85.5
Per Curiam	5.1	—	—	—	—	41.0

<sup>n</sup> This column lists the number of 5–4 full-opinion decisions in which each five-Justice group constituted the majority. A case is counted as 5–4 if four Justices voted to dispose of any issue in a manner different from that specified by a majority of the Court. Cases involving plurality opinions are included so long as the Justices divided 5–4 on the disposition. *See, e.g.*, *Borden v. United States*, 141 S. Ct. 1817 (2021). Cases in which any Justice did not participate are not included. *See, e.g.*, *Pereida v. Wilkinson*, 141 S. Ct. 754 (2021).

<sup>o</sup> *Salinas v. U.S. R.R. Ret. Bd.*, 141 S. Ct. 691 (2021) (Sotomayor, J.); *Minerva Surgical, Inc. v. Hologic, Inc.*, 141 S. Ct. 2298 (2021) (Kagan, J.).

<sup>p</sup> *PennEast Pipeline Co. v. New Jersey*, 141 S. Ct. 2244 (2021) (Roberts, C.J.).

<sup>q</sup> *Goldman Sachs Grp., Inc. v. Ark. Tchr. Ret. Sys.*, 141 S. Ct. 1951 (2021) (Barrett, J.).

<sup>r</sup> *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190 (2021) (Kavanaugh, J.).

<sup>s</sup> *Borden v. United States*, 141 S. Ct. 1817 (2021) (Kagan, J.).

<sup>t</sup> The data in this table reflect the length of opinions as published in the Court’s slip opinions, estimated to the nearest tenth of a page. Though the slip opinions are eventually superseded by official case publication in the *United States Reports*, the total opinion length, in pages, is generally preserved in the final publication. Average opinion length is obtained by summing the number of pages written by each Justice within each category of opinion and then dividing by the number of opinions of that type written by that Justice. For the number of opinions written by each Justice, see *supra* Table I(A).

<sup>u</sup> Opinions concurring in part, concurring in the judgment, or concurring in both are categorized here under Concurring in Judgment. Opinions concurring in part and dissenting in part, or concurring in the judgment in part and dissenting in part, are categorized here under Dissenting Opinion.

TABLE II<sup>a</sup>

## (A) FINAL DISPOSITION OF CASES

	Disposed of	Remaining on Docket	TOTAL
Original Docket	6	4	10
Appellate Docket <sup>b</sup>	1782	355 <sup>c</sup>	2137
Miscellaneous Docket <sup>d</sup>	3475	507 <sup>c</sup>	3982
Total	5263	866	6129

(B) CASES GRANTED REVIEW<sup>e</sup>

	Review Granted <sup>f</sup>	Petitions Considered <sup>g</sup>	Percent Granted
Appellate Docket	69	1782	3.9%
Miscellaneous Docket	3	3475	0.1%
Total	72	5257	1.4%

<sup>a</sup> All numbers in Tables II(A), II(B), and II(C) are derived from data provided by the Supreme Court.

<sup>b</sup> The appellate docket consists of all paid cases.

<sup>c</sup> The number of cases remaining on the appellate and miscellaneous dockets is calculated by adding the number of cases not acted upon in the 2020 Term to the number of cases granted review in the 2020 Term but carried over to the 2021 Term.

<sup>d</sup> The miscellaneous docket consists of all cases filed *in forma pauperis*.

<sup>e</sup> Table II(B) reports data that versions of Table II prior to 1998 reported under the label "Review Granted." For a full explanation, see *The Supreme Court, 1997 Term — The Statistics*, 112 HARV. L. REV. 366, 372 n.d. (1998). Table II(B) does not include cases within the Court's original jurisdiction.

<sup>f</sup> The number of cases granted review includes only those cases granted plenary review in the 2020 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2020 Term. It does include cases granted review in the 2020 Term but carried over to a subsequent Term.

<sup>g</sup> The number of petitions considered is calculated by adding the number of cases docketed in the 2020 Term to the number of cases carried over from prior Terms and subtracting the number of cases not acted upon in the 2020 Term.

TABLE II (*continued*)  
 (C) METHOD OF DISPOSITION<sup>h</sup>

On Review	72
Summarily Decided	91
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review	5062
<b>Total</b>	<b>5225</b>

(D) DISPOSITION OF CASES  
 REVIEWED ON WRIT OF CERTIORARI<sup>i</sup>

	Reversed <sup>j</sup>	Vacated <sup>k</sup>	Affirmed	TOTAL
Full Opinions	34 (54.8%)	17 (27.4%)	11 (17.7%)	62
Memorandum Orders	1 (1.1%)	87 (97.8%)	1 (1.1%) <sup>l</sup>	89
<b>Total</b>	<b>35 (23.2%)</b>	<b>104 (68.9%)</b>	<b>12 (7.9%)</b>	<b>151</b>

<sup>h</sup> Table II(C) does not include cases within the Court's original jurisdiction.

<sup>i</sup> Table II(D) reports the disposition of cases reviewed on writ of certiorari and decided on the merits. It does not include the cases reviewed under other bases of jurisdiction. This Term, these cases were *Trump v. City of San Jose*, 141 S. Ct. 1231 (2020) (mem.); and *Trump v. Useche*, 141 S. Ct. 1231 (2020) (mem.), both of which were reviewed under 28 U.S.C. § 1253.

<sup>j</sup> This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

<sup>k</sup> This category includes cases vacated in part and affirmed in part.

<sup>l</sup> In *Shao v. Roberts*, 141 S. Ct. 951 (2020) (mem.), six Justices disqualified themselves. Because a quorum was therefore unobtainable, the Court affirmed the judgment below as if by an equally divided court. This opinion is included in Tables II(D) and II(E), but it is not included in Table I(C).

TABLE II (continued)  
 (E) ORIGINS OF CASES AND THEIR DISPOSITIONS<sup>m</sup>

	FULL OPINIONS <sup>n</sup>			MEMORANDUM ORDERS <sup>o</sup>			TOTAL
	Reversed <sup>p</sup>	Vacated <sup>q</sup>	Affirmed	Reversed	Vacated	Affirmed	
<b>Federal Courts</b>	<b>32</b>	<b>16</b>	<b>9</b>	<b>1</b>	<b>78</b>	<b>1</b>	<b>137</b>
<i>Circuit Courts</i>	31 <sup>r</sup>	15	9	1	78	1	135
First	0	1	0	0	1	0	2
Second	0	1	1	0	6	0	8
Third	4	0	2	0	2	0	8
Fourth	2	1	0	1	2	0	6
Fifth	3	1	2	0	29	0	35
Sixth	5	0	0	0	11	0	16
Seventh	0	1	0	0	0	0	1
Eighth	2	1	1	0	3	0	7
Ninth	9	5	1	0	12	0	27
Tenth	2	1	0	0	4	0	7
Eleventh	3	0	2	0	2	0	7
D.C.	2	1	0	0	2	1	6
Federal	1	2	0	0	4	0	7
<i>District Courts<sup>s</sup></i>	0	1	0	0	0	0	1
<i>Armed Forces</i>	1	0	0	0	0	0	1
<b>State Courts</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>12</b>
<b>Total</b>	<b>32</b>	<b>17</b>	<b>11</b>	<b>1</b>	<b>87</b>	<b>1</b>	<b>149</b>

<sup>m</sup> Table II(E) counts consolidated cases disposed of by the same lower court opinion as a single case. Table II(E) does not include original jurisdiction cases, thus excluding *Texas v. New Mexico*, 141 S. Ct. 509 (2020); and *Florida v. Georgia*, 141 S. Ct. 1175 (2021).

<sup>n</sup> This section reports only full opinions decided on the merits. It thus includes eight per curiam decisions containing sufficient legal reasoning to be counted as full opinions. See *supra* Table I, note a.

<sup>o</sup> In *Shao v. Roberts*, 141 S. Ct. 951 (2020) (mem.), six Justices disqualified themselves. Because a quorum was therefore unobtainable, the Court affirmed the judgment below as if by an equally divided court. This opinion is included in Tables II(D) and II(E), but it is not included in Table I(C).

<sup>p</sup> This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

<sup>q</sup> This category includes cases vacated in part and affirmed in part.

<sup>r</sup> The total for the number of Circuit Court reversals does not match the sum from each of the Circuit Court reversals because consolidated cases originating from multiple circuits are counted in each originating circuit, but only once toward the Circuit Court sum. For example, this Term included the consolidated case *Greer v. United States*, 141 S. Ct. 2090 (2021). *Greer* is thus counted in the individual counts for the Fourth and Eleventh Circuits because it reversed the Fourth Circuit decision in *United States v. Gary*, 954 F.3d 194 (4th Cir. 2020), and affirmed the Eleventh Circuit decision in *Greer v. United States*, 753 F. App'x 886 (11th Cir. 2019). See 141 S. Ct. at 2101. Because the Supreme Court case was named for the Eleventh Circuit decision, which was affirmed, *Greer* is counted only once toward the total number of circuit court cases affirmed on appeal. The other consolidated case from this Term was *Carr v. Saul*, 141 S. Ct. 1352 (2021) (consolidating cases from Eighth and Tenth Circuits).

<sup>s</sup> This category includes statutorily authorized direct appeals from district courts.

**TABLE III<sup>a</sup>**  
**SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS**

	TOTAL	Principal Issue <sup>b</sup>		Decision <sup>c</sup>	
		Constitutional	Other	For Gov't	Against Gov't
<b>CIVIL ACTIONS FROM INFERIOR FEDERAL COURTS</b>	<b>44</b>	<b>15</b>	<b>29</b>	<b>11</b>	<b>21</b>
FEDERAL GOVERNMENT LITIGATION	19	4	15	8	8
<i>Review of Administrative Action</i>	13	2	11	6	6
Administrative Procedure Act	1	0	1	1	0
Antitrust	1	0	1	0	1
Appointments Clause	1	1	0	0	1
Clean Air Act	1	0	1	1	0
Freedom of Information Act	1	0	1	1	0
Illegal Immigration Reform and Immigrant Responsibility Act of 1996	1	0	1	0	1
Immigration and Nationality Act	3	0	3	3	0
Internal Revenue Service	1	0	1	0	1
Railroad Retirement Act of 1974	1	0	1	0	1
Separation of Powers <sup>d</sup>	1	1	0	—	—
Social Security Administration	1	0	1	0	1
<i>Other Action by or Against the United States or Its Officers</i>	6	2	4	2	2
Affordable Care Act <sup>e</sup>	1	1	0	—	—
Comprehensive Environmental Response, Compensation, and Liability Act	1	0	1	0	1
Federal Tort Claims Act	1	0	1	1	0
Indian Self-Determination and Education Assistance Act	1	0	1	1	0
Religious Freedom Restoration Act	1	0	1	0	1
Standing <sup>f</sup>	1	1	0	—	—

TABLE III (continued)

	TOTAL	Principal Issue		Decision	
		Constitutional	Other	For Gov't	Against Gov't
STATE OR LOCAL GOVERNMENT LITIGATION	16	10	6	3	13
Employee Retirement Income Security Act	1	0	1	1	0
Federal Rules of Appellate Procedure	1	0	1	0	1
Fourth Amendment	1	1	0	0	1
Free Exercise of Religion	1	1	0	0	1
Freedom of Political Association	1	1	0	0	1
Freedom of Speech	1	1	0	0	1
Natural Gas Act	1	0	1	0	1
Qualified Immunity	2	2	0	0	2
Regulatory Taking	1	0	1	0	1
Removal Jurisdiction	1	0	1	0	1
Search & Seizure	1	1	0	0	1
Standing	2	2	0	1	1
Takings Clause	1	1	0	0	1
Voting Rights Act of 1965	1	0	1	1	0

<sup>a</sup> Table III records the subject matter of dispositions by full opinion, including the eight cases with per curiam opinions on the merits containing sufficient legal reasoning to be considered full opinions. *See supra* Table I, note a.

<sup>b</sup> Each case is categorized as primarily constitutional or not. Cases invoking a mixture of statutory interpretation and constitutional adjudication are particularly difficult to classify.

<sup>c</sup> “Government” refers to federal, state, or local government, or an agency thereof, or to an individual participating in the suit in an official capacity. A decision is counted as “for” the government if the government prevailed on all contested issues. When the federal government opposed a state or local government, a decision is counted as “for” the government if the federal government prevailed on all contested issues. When two states, two units of local government, or two federal agencies opposed each other, the decision is counted as neither “for” nor “against” the government. When the government prevailed on at least one but not all of the issues before the Court, a decision is counted as neither “for” nor “against” the government.

<sup>d</sup> *Collins v. Yellen*, 141 S. Ct. 1761 (2021), is counted as a decision neither for nor against the government because, while the government prevailed on most issues, it did not prevail on the question whether the “‘succession clause’ in the [statute] bar[red] the shareholders’ constitutional claim.” *Id.* at 1780; *see id.* at 1780–81.

<sup>e</sup> *California v. Texas*, 141 S. Ct. 2104 (2021), is counted as a decision neither for nor against the government because the federal defendants were nominal defendants but took the side of the plaintiff states that the Affordable Care Act was unconstitutional. *Id.* at 2113. Meanwhile, several states intervened to defend the Act’s constitutionality. *See id.*; Motion to Intervene & Memorandum in Support Thereof at 18, *Texas v. United States*, 340 F. Supp. 3d 579 (N.D. Tex. 2018) (No. 18-cv-00167); Order Granting Motion to Intervene at 2, *Texas*, 340 F. Supp. 3d 579 (No. 18-cv-00167).

<sup>f</sup> *Trump v. New York*, 141 S. Ct. 530 (2020) (per curiam), is counted as a decision neither for nor against the government because the Court concluded that the case should be dismissed on standing and ripeness grounds and did not reach the merits of the case. *See id.* at 536–37.

**TABLE III** (*continued*)  
**SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS**

	TOTAL	Principal Issue		Decision	
		Consti- tutional	Other	For Gov't	Against Gov't
PRIVATE LITIGATION	9	1	8	—	—
<i>Federal Question Jurisdiction</i>	9	1	8	—	—
Alien Tort Statute	1	0	1	—	—
Bankruptcy <sup>g</sup>	1	0	1	—	—
Copyright Act of 1976	1	0	1	—	—
Fair Credit Reporting Act	1	1	0	—	—
Foreign Sovereign Immunities Act	1	0	1	—	—
Patents	1	0	1	—	—
Securities Exchange Act of 1934	1	0	1	—	—
Sherman Act	1	0	1	—	—
Telephone Consumer Protection Act	1	0	1	—	—
<b>FEDERAL CRIMINAL CASES</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>5</b>	<b>2</b>
Armed Career Criminal Act	1	0	1	0	1
Computer Fraud and Abuse Act	1	0	1	0	1
First Step Act	1	0	1	1	0
Indian Affairs	1	0	1	1	0
Military Justice	1	0	1	1	0
Plain Error Review	1	0	1	1	0
Statutory Interpretation	1	0	1	1	0
<b>FEDERAL HABEAS CORPUS</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>0</b>
AEDPA Deference	2	0	2	2	0
AEDPA Interpretation	1	0	1	1	0
Immigration and Nationality Act	1	0	1	1	0
Retroactivity	1	0	1	1	0
Sixth Amendment	1	1	0	1	0

<sup>g</sup> *City of Chicago v. Fulton*, 141 S. Ct. 585 (2021), while technically involving a government entity, arose in the context of a city litigating rights equivalent to those held by private entities rather than litigating as an exercise of its governmental authority. Therefore, this case has been categorized as private litigation and counted as a decision neither for nor against the government.

TABLE III (continued)

## SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	TOTAL	Principal Issue		Decision	
		Constitutional	Other	For Gov't	Against Gov't
<b>CIVIL ACTIONS FROM STATE COURTS</b>	<b>1</b>	<b>1</b>	<b>0</b>	—	—
PRIVATE LITIGATION	1	1	0	—	—
Personal Jurisdiction <sup>h</sup>	1	1	0	—	—
<b>STATE CRIMINAL CASES</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>
Cruel and Unusual Punishment	1	1	0	1	0
Fourth Amendment	1	1	0	0	1
<b>ORIGINAL JURISDICTION</b>	<b>2</b>	<b>0</b>	<b>2</b>	—	—
Pecos River Compact of 1949	1	0	1	—	—
Water Rights	1	0	1	—	—
<b>TOTAL</b>	<b>62</b>	<b>19</b>	<b>43</b>	<b>23</b>	<b>24</b>

<sup>h</sup> *Ford Motor Co. v. Montana Eighth Judicial District Court*, 141 S. Ct. 1017 (2021), nominally involves the government due to the procedural posture — the Montana Supreme Court granted a writ of supervisory control as to an order from Montana's Eighth Judicial District Court. See Petition for a Writ of Certiorari at 6, *Ford Motor Co.*, 141 S. Ct. 1017 (No. 19-368). For the purposes of Table III, this case is counted as private litigation and as a decision neither for nor against the government because the case arose out of private litigation and only nominally involves a government entity. See *id.*

TABLE IV<sup>a</sup>  
 (A) DISPOSITIONS OF APPLICATIONS  
 FOR EMERGENCY RELIEF<sup>b</sup>

	TOTAL APPLICATIONS	DISPOSITION <sup>c</sup>			UNANIMITY <sup>d</sup>		SEPARATE WRITINGS		
		Granted	Denied	Percent Granted	Unanimous	Public Dissenting Votes	Concurrences	Dissents	Statements
<b>Applications for Injunctive Relief<sup>e</sup></b>	<b>15</b>	<b>6</b>	<b>5</b>	<b>54.5%</b>	<b>5</b>	<b>40</b>	<b>4</b>	<b>15</b>	<b>1</b>
<b>Applications for Stays</b>	<b>41</b>	<b>9</b>	<b>32</b>	<b>22.0%</b>	<b>23</b>	<b>52</b>	<b>3</b>	<b>9</b>	<b>1</b>
Applications for Stays (General) <sup>f</sup>	24	7	17	29.2%	13	34	3	6	0
Applications for Stays of Execution <sup>g</sup>	12	0	12	0.0%	8 <sup>h</sup>	13	0	2	1
Applications for Stays of Mandate <sup>i</sup>	4	2	2	50.0%	2	4	0	0	0
Applications for Stays of Removal	1	0	1	0.0%	0	1	0	1	0
<b>Applications for Stays or Vacatur<sup>s</sup></b>	<b>5</b>	<b>5<sup>j</sup></b>	<b>0</b>	<b>100.0%</b>	<b>2</b>	<b>11</b>	<b>0</b>	<b>4</b>	<b>0</b>
<b>Applications to Vacate</b>	<b>12</b>	<b>4</b>	<b>8</b>	<b>33.3%</b>	<b>2</b>	<b>30</b>	<b>5</b>	<b>9</b>	<b>0</b>
Applications to Vacate the Injunction	1	0	1	0.0%	0	3	1	1	0
Applications to Vacate Stays	7	0	7	0.0%	1	17	4	6	0
Applications to Vacate Stays of Execution	4 <sup>k</sup>	4	0	100.0%	1	10	0	2	0
<b>Other<sup>l</sup></b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>0.0%</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>77</b>	<b>24</b>	<b>49</b>	<b>32.9%</b>	<b>34</b>	<b>135</b>	<b>12</b>	<b>37</b>	<b>2</b>

<sup>a</sup> This is the first year that *The Statistics* has included data on Applications for Emergency Relief. Monitoring this part of the Court's docket will likely be useful for tracking how the types of applications and dispositions of applications change over time. It will also likely be useful for examining how the Justices' actions on applications for emergency relief compare to their actions on the merits docket. For recent scholarship on the Court's behavior relating to how it resolves applications for emergency relief, see generally William Baude, *Foreword: The Supreme Court's Shadow Docket*, 9 N.Y.U. J.L. & LIBERTY 1 (2015); Stephen I. Vladeck, Essay, *The Solicitor General and the Shadow Docket*, 133 HARV. L. REV. 123 (2019); and Michael Morley, *Congressional Intent and the Shadow Docket*, HARV. L. REV. BLOG (Jan. 24, 2020), <https://blog.harvardlawreview.org/congressional-intent-and-the-shadow-docket> [<https://perma.cc/9PUQ-W7PD>]. See also *Hearings: The Supreme*

## TABLE IV (continued)

*Court's Shadow Docket*, HOUSE COMM. ON THE JUDICIARY (Feb. 18, 2021), <https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=4371> [<https://perma.cc/TXN8-5MFA>]; Press Release, Senate Judiciary Comm., Senate Judiciary Committee to Examine the Texas Abortion Ban and the Supreme Court's Abuse of Its "Shadow Docket" (Sept. 3, 2021), <https://www.judiciary.senate.gov/press/dem/releases/senate-judiciary-committee-to-examine-the-texas-abortion-ban-and-the-supreme-courts-abuse-of-its-shadow-docket> [<https://perma.cc/KMD5-JAGB>].

As is the case for most of *The Statistics*, Table IV includes orders disposing of applications for emergency relief that are included in the *Supreme Court Reporter*. Because of the nature of how the *Review* defines the Court's Term — beginning on the day after the Court releases its last full opinion the prior Term and ending the day the Court releases its last full opinion in the current Term — sometimes cases in the current statistical term are included in the next Term's *Supreme Court Reporter*. To stay true to the statistical year, such cases are included.

These tables do not include orders relating to motions for leave to file a bill of complaint under the Court's original jurisdiction, *see* *Texas v. California*, 141 S. Ct. 1469 (2021) (mem.); motions for similar relief that are filed in response to the Court's disposition of the application, *see, e.g.*, *Trump v. Sierra Club*, 140 S. Ct. 2620 (2020) (mem.); motions to proceed *in forma pauperis*, *see, e.g.*, *Hollihan v. Pennsylvania*, 141 S. Ct. 459 (2020) (mem.); petitions for rehearings, *see, e.g.*, *Kelsay v. Ernst*, 141 S. Ct. 197 (2020) (mem.); petitions for writs of habeas corpus, *see, e.g.*, *In re Talbert*, 141 S. Ct. 458 (2020) (mem.); petitions for writs of mandamus, *see, e.g.*, *In re Deng*, 141 S. Ct. 461 (2020) (mem.); or denials of petitions for writs of certiorari, *see, e.g.*, *Bovat v. Vermont*, 141 S. Ct. 22 (2020) (mem.). These tables also exclude in-chambers denials of applications because they are not reflected in the *Supreme Court Reporter*, as well as in-chambers dispositions of applications for emergency relief by individual Justices acting in their capacity as Circuit Justices. *See* SUP. CT. R. 22.

Because Table IV relies on the *Supreme Court Reporter*, the tables in this section cannot account for and do not include "stealth" dissents. *See, e.g.*, *Arthur v. Dunn*, 137 S. Ct. 14, 15 (2016) (statement of Roberts, C.J.) (mem.) (noting that he was providing a courtesy fifth vote to grant a stay in an order from which no Justices recused but only two Justices publicly dissented). Justices are counted as voting in favor of the relevant order's disposition unless they explicitly dissented or voted to resolve the application on different grounds.

<sup>b</sup> Table IV(A) records the number of applications by type. The table also records the number of applications granted and the number denied, as well as the percent granted; the number of applications that were unanimous and the number that included public dissents; and the number of separate writings, including concurrences, dissents, and statements.

<sup>c</sup> For the purposes of Table IV(A), if an application was granted at least in part, it is categorized as granted. If the Court treated an application for emergency relief as a petition for a writ of certiorari before judgment, and subsequently granted, vacated, and remanded the writ, the application is categorized as neither granted nor denied. The percentage granted is thus calculated by dividing the number of applications granted by the sum of the number of applications granted and denied, then multiplied by 100. This means that, in some instances, the sum of the number of applications granted and denied may be less than the total number of applications listed. Any such case is also included in any table that includes data related to memorandum decisions.

<sup>d</sup> For the purposes of Table IV(A), a Justice is considered to have recorded a public dissenting vote whenever a Justice voted to dispose of a case in any manner different from that specified by the memorandum order.

<sup>e</sup> This Term, four applications for injunctive relief were treated by the Court as petitions for writs of certiorari before judgment. The Court then granted the petitions, vacated, and remanded. These cases were *High Plains Harvest Church v. Polis*, 141 S. Ct. 527 (2020) (mem.); *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 889 (2020) (mem.); *Robinson v. Murphy*, 141 S. Ct. 972 (2020) (mem.); and *Gish v. Newsom*, 141 S. Ct. 1290 (2021) (mem.). *See supra* note c.

<sup>f</sup> This category consolidates a case that resulted in an order holding the application for a stay in abeyance, *see FDA v. Am. Coll. of Obstetricians & Gynecologists*, 141 S. Ct. 10 (2020) (mem.), and then a separate order granting the application, *see FDA v. Am. Coll. of Obstetricians & Gynecologists*, 141 S. Ct. 578 (2020) (mem.). This consolidation means that these orders were counted once overall,

TABLE IV (*continued*)

but the two public dissents and one written dissent from the order holding the application in abeyance are also included in this category. See *Am. Coll. of Obstetricians & Gynecologists*, 141 S. Ct. at 10. Note that the written dissent was mistakenly omitted in Tables IV(A) and IV(C) of the print statistics, but has been included here in our online PDF.

<sup>g</sup> Due to the expansion of *The Statistics* to include Table IV, Table II(F) — Dispositions of Applications for Stays of Execution — has been merged into the newly created Table IV(A). The method for collecting the data on applications for stays of execution has not changed. The granted, denied, and percent granted columns in Table IV(A) can be used to compare yearly data to the data included in Table II(F) from its first appearance in Volume 121 to its last appearance in Volume 134.

This table treats multiple applications from the same death row inmate as a single application. Although the Court entertained seventeen applications for stays of execution last Term, these applications pertained to only twelve individuals. This table includes only those dispositions that appear in the *Supreme Court Reporter*.

For useful background information on how the Court handles stays of execution, see generally EUGENE GRESSMAN ET AL., SUPREME COURT PRACTICE §§ 18.1–8, at 897–911 (9th ed. 2007); A REPORTER'S GUIDE TO APPLICATIONS PENDING BEFORE THE SUPREME COURT OF THE UNITED STATES (2017), <https://www.supremecourt.gov/publicinfo/reportersguide.pdf> [<https://perma.cc/QUU3-HD26>]; and *The Supreme Court, 2006 Term — The Statistics*, 121 HARV. L. REV. 436, 446 n.t (2007).

<sup>h</sup> For the purposes of this table, if a stay of execution case was consolidated, and if any order regarding a given individual was not unanimous, the consolidated applications are considered to be nonunanimous. This is in keeping with the methodology used in prior volumes.

<sup>i</sup> This category includes applications to recall and stay the mandate. See *Kelly-Leppert v. United States*, 141 S. Ct. 951 (2021) (mem.); *Brown v. Davenport*, 141 S. Ct. 1288 (2021) (mem.); *Reeves v. Williams ex rel. J.E.*, 141 S. Ct. 2480 (2021) (mem.).

<sup>j</sup> In all five applications for stay or vacatur, the Court granted the application and vacated the lower court order. See *Barr v. Lee*, 140 S. Ct. 2590 (2020) (per curiam); *Barr v. Purkey*, 140 S. Ct. 2594 (2020) (mem.); *Barr v. Purkey*, 141 S. Ct. 196 (2020) (mem.); *Rosen v. Montgomery*, 141 S. Ct. 1232 (2021) (mem.); *United States v. Montgomery*, 141 S. Ct. 1233 (2021) (mem.).

<sup>k</sup> One case was classified by the *Supreme Court Reporter* as an application to vacate stay, but the application was for a vacatur of a stay of execution. For the purposes of this table, it has been categorized as an application to vacate a stay of execution. See *United States v. Higgs*, 141 S. Ct. 645 (2021) (mem.).

<sup>l</sup> Cases in this category include *Committees of the U.S. House of Representatives v. Trump*, 141 S. Ct. 196 (2020) (mem.) (application to order the judgment forthwith); *Committees of the U.S. House of Representatives v. Trump*, 141 S. Ct. 197 (2020) (mem.) (same); *Gohmert v. Pence*, 141 S. Ct. 972 (2021) (mem.) (application for interim relief); and *DeBenedetto v. Lumpkin*, 141 S. Ct. 2697 (2021) (mem.) (application for certificate of appealability). Additionally, applications for bail or to vacate bail under Rule 22.5, and applications relating to custody under Rule 36, would be included in this category. These forms of relief have become dormant, in large part due to the Bail Reform Act of 1984, 18 U.S.C. §§ 3141–3156. However, these forms of relief are still within the Court's jurisdiction.

TABLE IV (continued)  
 (B1) VOTING ALIGNMENTS — UNANIMOUS ORDERS<sup>m</sup>

		Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	O	—	67	13	59	65	48	56	66	75	43
	S	—	0	0	0	1	0	0	1	2	0
	D	—	67	13	59	65	48	56	66	76	43
	N	—	82	20	82	81	82	82	82	82	49
	<b>P (%)</b>	<b>—</b>	<b>81.7</b>	<b>65.0</b>	<b>72.0</b>	<b>80.2</b>	<b>58.5</b>	<b>68.3</b>	<b>80.5</b>	<b>92.7</b>	<b>87.8</b>
Thomas	O	67	—	11	50	68	39	47	69	70	44
	S	0	—	0	0	2	0	0	1	1	0
	D	67	—	11	50	70	39	47	70	71	44
	N	82	—	20	82	81	82	82	82	82	49
	<b>P (%)</b>	<b>81.7</b>	<b>—</b>	<b>55.0</b>	<b>61.0</b>	<b>86.4</b>	<b>47.6</b>	<b>57.3</b>	<b>85.4</b>	<b>86.6</b>	<b>89.8</b>
Ginsburg	O	13	11	—	13	11	11	13	11	12	—
	S	0	0	—	2	0	6	4	0	0	—
	D	13	11	—	15	11	16	16	11	12	—
	N	20	20	—	20	20	20	20	20	20	—
	<b>P (%)</b>	<b>65.0</b>	<b>55.0</b>	<b>—</b>	<b>75.0</b>	<b>55.0</b>	<b>80.0</b>	<b>80.0</b>	<b>55.0</b>	<b>60.0</b>	<b>—</b>
Breyer	O	59	50	13	—	49	49	56	50	56	32
	S	0	0	2	—	0	12	12	0	0	1
	D	59	50	15	—	49	60	67	50	56	32
	N	82	82	20	—	81	82	82	82	82	49
	<b>P (%)</b>	<b>72.0</b>	<b>61.0</b>	<b>75.0</b>	<b>—</b>	<b>60.5</b>	<b>73.2</b>	<b>81.7</b>	<b>61.0</b>	<b>68.3</b>	<b>65.3</b>
Alito	O	65	68	11	49	—	38	46	69	68	43
	S	1	2	0	0	—	0	0	4	2	0
	D	65	70	11	49	—	38	46	72	69	43
	N	81	81	20	81	—	81	81	81	81	48
	<b>P (%)</b>	<b>80.2</b>	<b>86.4</b>	<b>55.0</b>	<b>60.5</b>	<b>—</b>	<b>46.9</b>	<b>56.8</b>	<b>88.9</b>	<b>85.2</b>	<b>89.6</b>
Sotomayor	O	48	39	11	49	38	—	49	39	45	27
	S	0	0	5	12	0	—	17	0	0	1
	D	48	39	16	60	38	—	65	39	45	27
	N	82	82	20	82	81	—	82	82	82	49
	<b>P (%)</b>	<b>58.5</b>	<b>47.6</b>	<b>80.0</b>	<b>73.2</b>	<b>46.9</b>	<b>—</b>	<b>79.3</b>	<b>47.6</b>	<b>54.9</b>	<b>55.1</b>
Kagan	O	56	47	13	56	46	49	—	47	53	30
	S	0	0	3	12	0	17	—	0	0	1
	D	56	47	16	67	46	65	—	47	53	30
	N	82	82	20	82	81	82	—	82	82	49
	<b>P (%)</b>	<b>68.3</b>	<b>57.3</b>	<b>80.0</b>	<b>81.7</b>	<b>56.8</b>	<b>79.3</b>	<b>—</b>	<b>57.3</b>	<b>64.6</b>	<b>61.2</b>
Gorsuch	O	66	69	11	50	69	39	47	—	69	44
	S	1	1	0	0	4	0	0	—	2	0
	D	66	70	11	50	72	39	47	—	69	44
	N	82	82	20	82	81	82	82	—	82	49
	<b>P (%)</b>	<b>80.5</b>	<b>85.4</b>	<b>55.0</b>	<b>61.0</b>	<b>88.9</b>	<b>47.6</b>	<b>57.3</b>	<b>—</b>	<b>84.1</b>	<b>89.8</b>
Kavanaugh	O	75	70	12	56	68	45	53	69	—	46
	S	2	1	0	0	2	0	0	2	—	1
	D	76	71	12	56	69	45	53	69	—	46
	N	82	82	20	82	81	82	82	82	—	49
	<b>P (%)</b>	<b>92.7</b>	<b>86.6</b>	<b>60.0</b>	<b>68.3</b>	<b>85.2</b>	<b>54.9</b>	<b>64.6</b>	<b>84.1</b>	<b>—</b>	<b>93.9</b>
Barrett	O	43	44	—	32	43	27	30	44	46	—
	S	0	0	—	1	0	1	1	0	1	—
	D	43	44	—	32	43	27	30	44	46	—
	N	49	49	—	49	48	49	49	49	49	—
	<b>P (%)</b>	<b>87.8</b>	<b>89.8</b>	<b>—</b>	<b>65.3</b>	<b>89.6</b>	<b>55.1</b>	<b>61.2</b>	<b>89.8</b>	<b>93.9</b>	<b>—</b>

TABLE IV (continued)  
 (B<sub>2</sub>) VOTING ALIGNMENTS — NONUNANIMOUS ORDERS<sup>n</sup>

		Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	O	—	29	4	21	28	10	18	28	37	18
	S	—	0	0	0	1	0	0	1	2	0
	D	—	29	4	21	28	10	18	28	38	18
	N	—	44	11	44	44	44	44	44	44	24
	<b>P (%)</b>	—	<b>65.9</b>	<b>36.4</b>	<b>47.7</b>	<b>63.6</b>	<b>22.7</b>	<b>40.9</b>	<b>63.6</b>	<b>86.4</b>	<b>75.0</b>
Thomas	O	29	—	2	12	31	1	9	31	32	19
	S	0	—	0	0	2	0	0	1	1	0
	D	29	—	2	12	33	1	9	32	33	19
	N	44	—	11	44	44	44	44	44	44	24
	<b>P (%)</b>	<b>65.9</b>	—	<b>18.2</b>	<b>27.3</b>	<b>75.0</b>	<b>2.3</b>	<b>20.5</b>	<b>72.7</b>	<b>75.0</b>	<b>79.2</b>
Ginsburg	O	4	2	—	4	2	2	4	2	3	—
	S	0	0	—	2	0	6	4	0	0	—
	D	4	2	—	6	2	7	7	2	3	—
	N	11	11	—	11	11	11	11	11	11	—
	<b>P (%)</b>	<b>36.4</b>	<b>18.2</b>	—	<b>54.5</b>	<b>18.2</b>	<b>63.6</b>	<b>63.6</b>	<b>18.2</b>	<b>27.3</b>	—
Breyer	O	21	12	4	—	12	11	18	12	18	7
	S	0	0	2	—	0	12	12	0	0	1
	D	21	12	6	—	12	22	29	12	18	7
	N	44	44	11	—	44	44	44	44	44	24
	<b>P (%)</b>	<b>47.7</b>	<b>27.3</b>	<b>54.5</b>	—	<b>27.3</b>	<b>50.0</b>	<b>65.9</b>	<b>27.3</b>	<b>40.9</b>	<b>29.2</b>
Alito	O	28	31	2	12	—	1	9	32	31	19
	S	1	2	0	0	—	0	0	4	2	0
	D	28	33	2	12	—	1	9	35	32	19
	N	44	44	11	44	—	44	44	44	44	24
	<b>P (%)</b>	<b>63.6</b>	<b>75.0</b>	<b>18.2</b>	<b>27.3</b>	—	<b>2.3</b>	<b>20.5</b>	<b>79.5</b>	<b>72.7</b>	<b>79.2</b>
Sotomayor	O	10	1	2	11	1	—	11	1	7	2
	S	0	0	5	12	0	—	17	0	0	1
	D	10	1	7	22	1	—	27	1	7	2
	N	44	44	11	44	44	—	44	44	44	24
	<b>P (%)</b>	<b>22.7</b>	<b>2.3</b>	<b>63.6</b>	<b>50.0</b>	<b>2.3</b>	—	<b>61.4</b>	<b>2.3</b>	<b>15.9</b>	<b>8.3</b>
Kagan	O	18	9	4	18	9	11	—	9	15	5
	S	0	0	3	12	0	17	—	0	0	1
	D	18	9	7	29	9	27	—	9	15	5
	N	44	44	11	44	44	44	—	44	44	24
	<b>P (%)</b>	<b>40.9</b>	<b>20.5</b>	<b>63.6</b>	<b>65.9</b>	<b>20.5</b>	<b>61.4</b>	—	<b>20.5</b>	<b>34.1</b>	<b>20.8</b>
Gorsuch	O	28	31	2	12	32	1	9	—	31	19
	S	1	1	0	0	4	0	0	—	2	0
	D	28	32	2	12	35	1	9	—	31	19
	N	44	44	11	44	44	44	44	—	44	24
	<b>P (%)</b>	<b>63.6</b>	<b>72.7</b>	<b>18.2</b>	<b>27.3</b>	<b>79.5</b>	<b>2.3</b>	<b>20.5</b>	—	<b>70.5</b>	<b>79.2</b>
Kavanaugh	O	37	32	3	18	31	7	15	31	—	21
	S	2	1	0	0	2	0	0	2	—	1
	D	38	33	3	18	32	7	15	31	—	21
	N	44	44	11	44	44	44	44	44	—	24
	<b>P (%)</b>	<b>86.4</b>	<b>75.0</b>	<b>27.3</b>	<b>40.9</b>	<b>72.7</b>	<b>15.9</b>	<b>34.1</b>	<b>70.5</b>	—	<b>87.5</b>
Barrett	O	18	19	—	7	19	2	5	19	21	—
	S	0	0	—	1	0	1	1	0	1	—
	D	18	19	—	7	19	2	5	19	21	—
	N	24	24	—	24	24	24	24	24	24	—
	<b>P (%)</b>	<b>75.0</b>	<b>79.2</b>	—	<b>29.2</b>	<b>79.2</b>	<b>8.3</b>	<b>20.8</b>	<b>79.2</b>	<b>87.5</b>	—

TABLE IV (*continued*)

<sup>m</sup> Table IV(B<sub>1</sub>) records the frequency with which each Justice voted with each of the other Justices in the disposition of applications for emergency relief.

In Tables IV(B<sub>1</sub>) and IV(B<sub>2</sub>), “O” represents the number of decisions in which a particular pair of Justices agreed in an order disposing of an application for emergency relief. “S” represents the number of orders in which two Justices agreed in any writing separate from the memorandum order. Such separate opinions include concurrences, dissents, and “statements.” Justices who together joined more than one separate writing in a case are considered to have agreed only once. “D” represents the number of orders in which two Justices agreed in the disposition in the memorandum order, in any concurring or dissenting opinion, or in a separately written statement. An order is counted only once in the “D” category if two Justices did not dissent from a memorandum opinion and joined multiple separate concurrences. Thus, in some situations the “D” value will be less than the sum of the “O” and “S” values. “N” represents the number of opinions in which both Justices participated, and thus the number of opportunities for agreement. “P” represents the percentage of decisions in which one Justice agreed with another Justice and is calculated by dividing the “D” value by the “N” value, and multiplying the quotient by 100.

In keeping with precedent, Justice Ginsburg’s votes have been included in Tables IV(B<sub>1</sub>) and IV(B<sub>2</sub>), reflecting the portion of the Term in which she participated. She is not included in Tables I(B<sub>1</sub>) or I(B<sub>2</sub>) given that she did not participate in the disposition of any full cases in October Term 2020. While Justice Ginsburg did not write separately in response to an order disposing of an application for emergency relief, she publicly dissented from the dispositions of seven applications for emergency relief: *Barr v. Lee*, 140 S. Ct. 2590 (2020) (mem.); *Barr v. Purkey*, 140 S. Ct. 2594 (2020) (mem.); *Raysor v. DeSantis*, 140 S. Ct. 2600 (2020) (mem.); *Little v. Reclaim Idaho*, 140 S. Ct. 2616 (2020) (mem.); *Barnes v. Ahlman*, 140 S. Ct. 2620 (2020) (mem.); *United States v. Purkey*, 141 S. Ct. 195 (2020) (mem.); and *Clarno v. People Not Politicians Oregon*, 141 S. Ct. 206 (2020) (mem.).

<sup>n</sup> Like Table IV(B<sub>1</sub>), Table IV(B<sub>2</sub>) records the frequency with which each of the Justices voted with each other Justice in the disposition of applications for emergency relief, but Table IV(B<sub>2</sub>) records these voting alignments only for cases that were not unanimously decided. An order is considered unanimous for purposes of Table IV when all Justices would have resolved the case in the exact same way and where no Justice publicly dissented. Removing the unanimous cases produces lower rates of agreement overall, providing a more accurate picture of how the Justices voted in divisive cases.

**TABLE IV** (*continued*)  
**(C) SEPARATE WRITINGS OF INDIVIDUAL JUSTICES<sup>o</sup>**

	Concurrences	Dissents	Statements	<b>TOTAL</b>
Roberts	4	2	0	<b>6</b>
Thomas	0	0	0	<b>0</b>
Ginsburg	0	0	0	<b>0</b>
Breyer	0	5	0	<b>5</b>
Alito	0	3	0	<b>3</b>
Sotomayor	0	15	1	<b>16</b>
Kagan	1	7	0	<b>8</b>
Gorsuch	2	3	1	<b>6</b>
Kavanaugh	4	2	0	<b>6</b>
Barrett	1	0	0	<b>1</b>
<b>Total</b>	<b>12</b>	<b>37</b>	<b>2</b>	<b>51</b>

<sup>o</sup> Table IV(C) records the number of times a Justice wrote separately in an order disposing of an application for emergency relief.