

# 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	6	0	1	7	4	0	4
Thomas	6	7	9	22	14	0	14
Alito	6	4	7	17	14	0	14
Sotomayor	5	6	4	15	11	1	12
Kagan	6	1	4	11	12	0	12
Gorsuch	7	9	4	20	12	0	12
Kavanaugh	7	6	2	15	4	0	4
Barrett	6	5	4	15	5	0	5
Jackson	6	5	6	17	11	4	15
Per Curiam	2	—	—	2	—	—	—
<b>Total</b>	<b>57</b>	<b>43</b>	<b>41</b>	<b>141</b>	<b>87</b>	<b>5</b>	<b>92</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. Two per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions in October Term 2022. These opinions were *Gonzalez v. Google LLC*, 143 S. Ct. 1191 (2023) (per curiam) and *Calcutt v. FDIC*, 143 S. Ct. 1317 (2023) (per curiam). This table includes every opinion designated by the Court as a 2022 Term Opinion except for one. See *Opinions of the Court — 2022*, SUP. CT. U.S., <https://www.supremecourt.gov/opinions/slipopinion/22> [<https://perma.cc/G7NW-LCPD>]. The omitted opinion is *In re Grand Jury*, 143 S. Ct. 543 (2023) (per curiam), in which the Court dismissed the writ of certiorari as improvidently granted.

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. 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 fifty-seven 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 their vote. In cases where an opinion is authored by multiple Justices, Table I treats that opinion as if it were multiple opinions, one by each authoring Justice. For example, this Term, Justices Sotomayor and Kagan authored a joint dissent in *Jones v. Hendrix*, 143 S. Ct. 1857 (2023). This dissent is counted in Table I as both a dissent by Justice Sotomayor and a dissent by Justice Kagan.

<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 Gorsuch's opinion in *National Pork Producers Council v. Ross*, 143 S. Ct. 1142 (2023), is considered the opinion of the Court in that case, even though only one Justice joined his opinion in full.

<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, Justices Sotomayor and Jackson are treated as having dissented from the Court's decision in *Ritter v. Migliori*, 143 S. Ct. 297 (2022) (mem.), because they would have denied the petition for writ of certiorari. 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>6</sup>

		Roberts	Thomas	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Jackson
Roberts	O	—	35	39	40	42	35	50	46	42
	S	—	1	2	1	3	0	2	3	1
	D	—	36	41	41	45	35	52	48	43
	N	—	57	57	57	57	57	57	57	57
	<b>P (%)</b>	—	<b>63.2</b>	<b>71.9</b>	<b>71.9</b>	<b>78.9</b>	<b>61.4</b>	<b>91.2</b>	<b>84.2</b>	<b>75.4</b>
Thomas	O	35	—	34	29	28	32	35	36	30
	S	1	—	8	2	2	10	0	6	1
	D	36	—	42	31	30	39	35	41	31
	N	57	—	57	57	57	57	57	57	57
	<b>P (%)</b>	<b>63.2</b>	—	<b>73.7</b>	<b>54.4</b>	<b>52.6</b>	<b>68.4</b>	<b>61.4</b>	<b>71.9</b>	<b>54.4</b>
Alito	O	39	34	—	28	29	34	40	37	32
	S	2	8	—	1	0	8	2	2	1
	D	41	42	—	28	29	42	42	39	33
	N	57	57	—	57	57	57	57	57	57
	<b>P (%)</b>	<b>71.9</b>	<b>73.7</b>	—	<b>49.1</b>	<b>50.9</b>	<b>73.7</b>	<b>73.7</b>	<b>68.4</b>	<b>57.9</b>
Sotomayor	O	40	29	28	—	42	30	41	40	42
	S	1	2	1	—	12	4	1	2	11
	D	41	31	28	—	53	33	42	42	50
	N	57	57	57	—	57	57	57	57	57
	<b>P (%)</b>	<b>71.9</b>	<b>54.4</b>	<b>49.1</b>	—	<b>93.0</b>	<b>57.9</b>	<b>73.7</b>	<b>73.7</b>	<b>87.7</b>
Kagan	O	42	28	29	42	—	29	42	40	41
	S	3	2	0	12	—	2	2	3	7
	D	45	30	29	53	—	31	44	43	48
	N	57	57	57	57	—	57	57	57	57
	<b>P (%)</b>	<b>78.9</b>	<b>52.6</b>	<b>50.9</b>	<b>93.0</b>	—	<b>54.4</b>	<b>77.2</b>	<b>75.4</b>	<b>84.2</b>
Gorsuch	O	35	32	34	30	29	—	37	36	31
	S	0	10	8	4	2	—	0	4	5
	D	35	39	42	33	31	—	37	39	32
	N	57	57	57	57	57	—	57	57	57
	<b>P (%)</b>	<b>61.4</b>	<b>68.4</b>	<b>73.7</b>	<b>57.9</b>	<b>54.4</b>	—	<b>64.9</b>	<b>68.4</b>	<b>56.1</b>
Kavanaugh	O	50	35	40	41	42	37	—	46	44
	S	2	0	2	1	2	0	—	2	2
	D	52	35	42	42	44	37	—	47	46
	N	57	57	57	57	57	57	—	57	57
	<b>P (%)</b>	<b>91.2</b>	<b>61.4</b>	<b>73.7</b>	<b>73.7</b>	<b>77.2</b>	<b>64.9</b>	—	<b>82.5</b>	<b>80.7</b>
Barrett	O	46	36	37	40	40	36	46	—	39
	S	3	6	2	2	3	4	2	—	0
	D	48	41	39	42	43	39	47	—	39
	N	57	57	57	57	57	57	57	—	57
	<b>P (%)</b>	<b>84.2</b>	<b>71.9</b>	<b>68.4</b>	<b>73.7</b>	<b>75.4</b>	<b>68.4</b>	<b>82.5</b>	—	<b>68.4</b>
Jackson	O	42	30	32	42	41	31	44	39	—
	S	1	1	1	11	7	5	2	0	—
	D	43	31	33	50	48	32	46	39	—
	N	57	57	57	57	57	57	57	57	—
	<b>P (%)</b>	<b>75.4</b>	<b>54.4</b>	<b>57.9</b>	<b>87.7</b>	<b>84.2</b>	<b>56.1</b>	<b>80.7</b>	<b>68.4</b>	—

TABLE I (continued)

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

		Roberts	Thomas	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Jackson
Roberts	O	—	14	18	19	21	14	29	25	21
	S	—	1	2	1	3	0	2	3	1
	D	—	15	20	20	24	14	31	27	22
	N	—	36	36	36	36	36	36	36	36
	<b>P (%)</b>	<b>—</b>	<b>41.7</b>	<b>55.6</b>	<b>55.6</b>	<b>66.7</b>	<b>38.9</b>	<b>86.1</b>	<b>75.0</b>	<b>61.1</b>
Thomas	O	14	—	13	8	7	11	14	15	9
	S	1	—	8	2	2	9	0	5	1
	D	15	—	21	10	9	18	14	20	10
	N	36	—	36	36	36	36	36	36	36
	<b>P (%)</b>	<b>41.7</b>	<b>—</b>	<b>58.3</b>	<b>27.8</b>	<b>25.0</b>	<b>50.0</b>	<b>38.9</b>	<b>55.6</b>	<b>27.8</b>
Alito	O	18	13	—	7	8	13	19	16	11
	S	2	8	—	0	0	8	2	2	1
	D	20	21	—	7	8	21	21	18	12
	N	36	36	—	36	36	36	36	36	36
	<b>P (%)</b>	<b>55.6</b>	<b>58.3</b>	<b>—</b>	<b>19.4</b>	<b>22.2</b>	<b>58.3</b>	<b>58.3</b>	<b>50.0</b>	<b>33.3</b>
Sotomayor	O	19	8	7	—	21	9	20	19	21
	S	1	2	0	—	12	4	1	2	9
	D	20	10	7	—	32	12	21	21	29
	N	36	36	36	—	36	36	36	36	36
	<b>P (%)</b>	<b>55.6</b>	<b>27.8</b>	<b>19.4</b>	<b>—</b>	<b>88.9</b>	<b>33.3</b>	<b>58.3</b>	<b>58.3</b>	<b>80.6</b>
Kagan	O	21	7	8	21	—	8	21	19	20
	S	3	2	0	12	—	2	2	3	7
	D	24	9	8	32	—	10	23	22	27
	N	36	36	36	36	—	36	36	36	36
	<b>P (%)</b>	<b>66.7</b>	<b>25.0</b>	<b>22.2</b>	<b>88.9</b>	<b>—</b>	<b>27.8</b>	<b>63.9</b>	<b>61.1</b>	<b>75.0</b>
Gorsuch	O	14	11	13	9	8	—	16	15	10
	S	0	9	8	4	2	—	0	3	3
	D	14	18	21	12	10	—	16	18	11
	N	36	36	36	36	36	—	36	36	36
	<b>P (%)</b>	<b>38.9</b>	<b>50.0</b>	<b>58.3</b>	<b>33.3</b>	<b>27.8</b>	<b>—</b>	<b>44.4</b>	<b>50.0</b>	<b>30.6</b>
Kavanaugh	O	29	14	19	20	21	16	—	25	23
	S	2	0	2	1	2	0	—	2	2
	D	31	14	21	21	23	16	—	26	25
	N	36	36	36	36	36	36	—	36	36
	<b>P (%)</b>	<b>86.1</b>	<b>38.9</b>	<b>58.3</b>	<b>58.3</b>	<b>63.9</b>	<b>44.4</b>	<b>—</b>	<b>72.2</b>	<b>69.4</b>
Barrett	O	25	15	16	19	19	15	25	—	18
	S	3	5	2	2	3	3	2	—	0
	D	27	20	18	21	22	18	26	—	18
	N	36	36	36	36	36	36	36	—	36
	<b>P (%)</b>	<b>75.0</b>	<b>55.6</b>	<b>50.0</b>	<b>58.3</b>	<b>61.1</b>	<b>50.0</b>	<b>72.2</b>	<b>—</b>	<b>50.0</b>
Jackson	O	21	9	11	21	20	10	23	18	—
	S	1	1	1	9	7	3	2	0	—
	D	22	10	12	29	27	11	25	18	—
	N	36	36	36	36	36	36	36	36	—
	<b>P (%)</b>	<b>61.1</b>	<b>27.8</b>	<b>33.3</b>	<b>80.6</b>	<b>75.0</b>	<b>30.6</b>	<b>69.4</b>	<b>50.0</b>	<b>—</b>

## TABLE I (continued)

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<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 two 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 their 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 Alito is not treated as having joined the opinion of the Court in *Mallory v. Norfolk Southern Railway Co.*, 143 S. Ct. 2028 (2023), because he authored an opinion concurring in part and concurring in the judgment. He is, however, treated as voting with the Court's disposition of the case. *See infra* Table I(E). By contrast, Justice Kavanaugh is treated as having fully joined the Court's opinion in *Allen v. Milligan*, 143 S. Ct. 1487 (2023), even though he did not join Part III-B-1.

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-opinion decisions, 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' votes aligned in divisive cases.

TABLE I (continued)

## (C) UNANIMITY

	Unanimous	With Concurrence <sup>i</sup>	With Dissent	TOTAL
Full Opinions	21 (36.8%)	6 (10.5%)	30 (52.6%)	57
Memorandum Orders <sup>j</sup>	50 (92.6%)	0 (0.0%)	4 (7.4%)	54

(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	36	31	86.1%	32	88.9%
Thomas	36	18	50.0%	22	61.1%
Alito	36	20	55.6%	22	61.1%
Sotomayor	36	23	63.9%	25	69.4%
Kagan	36	23	63.9%	24	66.7%
Gorsuch	36	19	52.8%	24	66.7%
Kavanaugh	36	32	88.9%	32	88.9%
Barrett	36	28	77.8%	31	86.1%
Jackson <sup>n</sup>	36	25	69.4%	25	69.4%

<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., *Dubin v. United States*, 143 S. Ct. 1557 (2023).

<sup>j</sup> In *Weidrick v. Biden*, 143 S. Ct. 368 (2022) (mem.), seven 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. While this table typically includes per curiam decisions containing sufficient legal reasoning to be considered full opinions, see *supra* note a, it only includes such decisions if they produced dissenting votes. This Term, neither of the two such per curiam decisions produced dissenting votes, so they are not included in Table I(D).

<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 the second paragraph of 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.

<sup>n</sup> In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 143 S. Ct. 2141 (2023), the Court issued a single opinion reversing the First Circuit's decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 980 F.3d 157 (1st Cir. 2020), and reversing the U.S. District Court for the Middle District of North Carolina's decision in *Students for Fair Admissions, Inc. v. University of North Carolina*, 567 F. Supp. 3d 580 (M.D.N.C. 2021). Justice Jackson recused from the Harvard College case but not from the University of North Carolina case. In Table I, Justice Jackson is treated as having fully participated, notwithstanding her partial recusal, because the Court disposed of both cases in a single decision.

TABLE I (*continued*)

## (E) 5–4 DECISIONS

Justices Constituting the Majority	Number of Decisions <sup>o</sup>
Roberts, Sotomayor, Kagan, Kavanaugh, and Jackson <sup>p</sup>	2
Roberts, Thomas, Alito, Kavanaugh, and Barrett <sup>q</sup>	1
Roberts, Alito, Gorsuch, Kavanaugh, and Barrett <sup>r</sup>	1
Roberts, Alito, Gorsuch, Kavanaugh, and Jackson <sup>s</sup>	1
Thomas, Alito, Sotomayor, Gorsuch, and Jackson <sup>t</sup>	1
Thomas, Sotomayor, Kagan, Gorsuch, and Barrett <sup>u</sup>	1
Total	7

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

	Opinion of the Court	Plurality Opinion <sup>w</sup>	Concurring Opinion	Concurring in Judgment <sup>x</sup>	Dissenting Opinion <sup>x</sup>	TOTAL PAGES
Roberts	25.0	—	—	—	8.8	159.1
Thomas	17.4	—	20.8	3.1	21.1	404.1
Alito	16.8	—	0.6	5.2	11.2	194.8
Sotomayor	18.8	—	1.6	13.1	32.0	265.7
Kagan	15.6	—	—	5.2	18.9	174.6
Gorsuch	17.8	—	10.6	12.4	12.5	286.1
Kavanaugh	10.5	—	2.7	8.0	6.0	111.8
Barrett	15.5	—	9.0	2.6	12.2	167.7
Jackson	16.5	—	2.7	—	21.7	242.7
Per Curiam	4.5	—	—	—	—	9.0

<sup>o</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 in favor of the disposition.

<sup>p</sup> *Cruz v. Arizona*, 143 S. Ct. 650 (2023) (Sotomayor, J.); *Allen v. Milligan*, 143 S. Ct. 1487 (2023) (Roberts, C.J.).

<sup>q</sup> *Arizona v. Navajo Nation*, 143 S. Ct. 1804 (2023) (Kavanaugh, J.).

<sup>r</sup> *Coinbase, Inc. v. Bielski*, 143 S. Ct. 1915 (2023) (Kavanaugh, J.).

<sup>s</sup> *Bittner v. United States*, 143 S. Ct. 713 (2023) (Gorsuch, J.).

<sup>t</sup> *Mallory v. Norfolk S. Ry. Co.*, 143 S. Ct. 2028 (2023) (Gorsuch, J.).

<sup>u</sup> *Nat'l Pork Producers Council v. Ross*, 143 S. Ct. 1142 (2023) (Gorsuch, J.).

TABLE I (*continued*)

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<sup>v</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>w</sup> An opinion announcing the judgment of the Court is only counted as a "plurality" for the purposes of Table I(F) if no portion of it commanded a majority of five votes from the Court. For a recent example, see *Patchak v. Zinke*, 138 S. Ct. 897 (2018). This Term, no opinion announcing the judgment of the Court entirely failed to command a majority of five votes from the Court. For instance, in *Mallory v. Norfolk Southern Railway Co.*, 143 S. Ct. 2028 (2023), Parts I and III-B of Justice Gorsuch's opinion announcing the judgment of the Court were joined by four other Justices.

<sup>x</sup> Opinions concurring in part, concurring in the judgment, or concurring in both are categorized 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 under Dissenting Opinion.



TABLE II<sup>a</sup>

## (A) FINAL DISPOSITION OF CASES

	Disposed of	Remaining on Docket	TOTAL
Original Docket	3	1	4
Appellate Docket <sup>b</sup>	1,274	255 <sup>c</sup>	1,529
Miscellaneous Docket <sup>d</sup>	2,912	437 <sup>c</sup>	3,349
Total	4,189	693	4,882

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

	Review Granted <sup>f</sup>	Petitions Considered <sup>g</sup>	Percentage Granted
Appellate Docket	58	1,274	4.6%
Miscellaneous Docket	2	2,912	0.1%
Total	60	4,186	1.4%

<sup>a</sup> All numbers in Tables II(A), II(B), and II(C) are derived from statistics published in the Supreme Court's annual Journal. From 2009 to 2022, the *Statistics* relied on data provided directly by the Court. This volume marks a return to the methodology laid out in *The Supreme Court, 2007 Term — The Statistics*, 122 HARV. L. REV. 516, 523 n.a (2008). Employing the Court's official published statistics will ensure that tabulation methodology remains consistent from year to year going forward. See SUP. CT. OF THE U.S., JOURNAL, OCTOBER TERM 2022, at II, <https://www.supremecourt.gov/orders/journal/jnl22.pdf> [<https://perma.cc/4JQJ-XFU7>].

<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 2022 Term to the number of cases granted review in the 2022 Term but carried over to the 2023 Term. This year, there were zero cases granted review in the 2022 Term but carried over to the 2023 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 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 2022 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2022 Term. It does include cases granted review in the 2022 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 2022 Term to the number of cases carried over from prior Terms (reported as the number of cases remaining on the docket at the end of the 2021 Term, see SUP. CT. OF THE U.S., JOURNAL, OCTOBER TERM 2021, at II, <https://www.supremecourt.gov/orders/journal/jnl21.pdf> [<https://perma.cc/MZ4N-B93P>]) and subtracting the number of cases not acted upon in the 2022 Term and the original jurisdiction cases disposed of during the 2022 Term.

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

On Review <sup>i</sup>	71
Summarily Decided <sup>j</sup>	57
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review <sup>k</sup>	4,058
Total	4,186

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

	Reversed <sup>m</sup>	Vacated <sup>n</sup>	Affirmed	TOTAL
Full Opinions	21 (38.9%)	16 (29.6%)	17 (31.5%)	54
Memorandum Orders <sup>o</sup>	0 (0.0%)	54 (98.2%)	1 (1.8%)	55
Total	21 (19.3%)	70 (64.2%)	18 (16.5%)	109

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

<sup>i</sup> This category encompasses all cases granted plenary review in the 2022 Term or a prior Term and disposed of during the 2022 Term. The total excludes cases granted review but carried over to a subsequent Term. This number includes writs dismissed after review was granted. The number is calculated by adding the total number of petitions for writs of certiorari and appeals granted by the Court to the number of cases available for argument at the end of the 2021 Term, and then subtracting the number of cases available for argument at the end of the 2022 Term.

<sup>j</sup> This category includes cases summarily affirmed, reversed, or vacated.

<sup>k</sup> This category consists primarily of dismissals of appeals and denials of petitions for certiorari. It also includes withdrawals of appeals and denials of other applications for review, such as petitions for writs of habeas corpus or mandamus. It is calculated by subtracting the number of cases disposed of on review and summarily decided from the total number of cases disposed of during the 2022 Term.

<sup>l</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 *Delaware v. Pennsylvania*, 143 S. Ct. 696 (2023); and *New York v. New Jersey*, 143 S. Ct. 918 (2023), both of which were reviewed under original jurisdiction; and *Allen v. Milligan*, 143 S. Ct. 1487 (2023), which was reviewed under 28 U.S.C. § 1253.

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

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

<sup>o</sup> In *Weidrick v. Biden*, 143 S. Ct. 368 (2022) (mem.), seven 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). *Arizona v. Mayorkas*, 143 S. Ct. 1312 (2023) (mem.), where the Court vacated a D.C. Circuit order denying certain state petitioners' motion to intervene and remanded with instructions to dismiss the motion as moot, is counted as a memorandum order because it "dispos[ed] of a case on the merits by . . . vacating it." *The Supreme Court, 2004 Term — The Statistics*, 119 HARV. L. REV. 415, 415 (2005).

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

	FULL OPINIONS <sup>q</sup>			MEMORANDUM ORDERS <sup>r</sup>			TOTAL
	Reversed <sup>s</sup>	Vacated <sup>t</sup>	Affirmed	Reversed	Vacated	Affirmed	
FEDERAL COURTS	20	13	17	0	44	1	95
<i>Circuit Courts</i>	19 <sup>u</sup>	12	16 <sup>u</sup>	0	44	1	92 <sup>u</sup>
First	2	0	1	0	1	0	4
Second	2	3	2	0	5	0	12
Third	0	1	1	0	1	0	3
Fourth	0	1	1	0	2	0	4
Fifth	3	2	2	0	4	0	11
Sixth	2	0	2	0	6	0	10
Seventh	0	1	1	0	2	0	4
Eighth	2	0	1	0	2	0	5
Ninth	8	3	3	0	4	0	18
Tenth	1	1	0	0	3	0	5
Eleventh	0	0	1	0	11	0	12
D.C.	0	0	0	0	3	1	4
Federal	0	0	2	0	0	0	2
<i>District Courts</i> <sup>v</sup>	1	1	1	0	0	0	3
<i>Armed Forces</i>	0	0	0	0	0	0	0
STATE COURTS	1	3	1	0	10	0	15
TOTAL	21	16	18	0	54	1	110

<sup>p</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 *Delaware v. Pennsylvania*, 143 S. Ct. 696 (2023), and *New York v. New Jersey*, 143 S. Ct. 918 (2023).

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

<sup>r</sup> In *Weidrick v. Biden*, 143 S. Ct. 368 (2022) (mem.), seven 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>s</sup> This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

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

TABLE II (*continued*)

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<sup>u</sup> The total number of circuit court reversals, affirmances, and total cases does not match the sum of reversals, affirmances, and total cases from each of the circuit courts because consolidated cases originating from multiple circuits are counted in each originating circuit, but only once toward the circuit court sum. This Term included the consolidated cases *Axon Enterprise, Inc. v. FTC*, 143 S. Ct. 890 (2023); *Pugin v. Garland*, 143 S. Ct. 1833 (2023); and *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 143 S. Ct. 2141 (2023). *Axon* is thus counted in the individual counts for the Fifth and Ninth Circuits because it affirmed the Fifth Circuit's decision in *Cochran v. SEC*, 20 F.4th 194 (5th Cir. 2021), and reversed the Ninth Circuit's decision in *Axon Enterprise, Inc. v. FTC*, 986 F.3d 1173 (9th Cir. 2021). *Pugin*, similarly, is counted in the individual counts for the Fourth and Ninth Circuits because it affirmed the Fourth Circuit's decision in *Pugin v. Garland*, 19 F.4th 437 (4th Cir. 2021), and reversed the Ninth Circuit's decision in *Cordero-Garcia v. Garland*, 44 F.4th 1181 (9th Cir. 2022). *Students for Fair Admissions* is only counted in the individual count for the First Circuit, however, because the second consolidated case there originated in the U.S. District Court for the Middle District of North Carolina, and the Court granted certiorari before judgment while appeal was pending before the Fourth Circuit. Because *Axon* was named for the Ninth Circuit decision, which was reversed, *Axon* is counted only once toward the total number of circuit court cases reversed on appeal. Similarly, because *Pugin* was named for the Fourth Circuit decision, which was affirmed, *Pugin* is counted only once toward the total number of circuit court cases affirmed on appeal.

<sup>v</sup> This category includes statutorily authorized direct appeals from district courts. This Term, the Court heard one such case, *Allen v. Milligan*, 143 S. Ct. 1487 (2023).

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

	TOTAL	Principal Issue		Decision <sup>b</sup>	
		Constitutional	Other	For Gov't	Against Gov't
<b>CIVIL ACTIONS FROM INFERIOR FEDERAL COURTS</b>	<b>41</b>	<b>6</b>	<b>35</b>	<b>12</b>	<b>14</b>
FEDERAL GOVERNMENT LITIGATION	18	2	16	10	8
<i>Review of Administrative Action</i>	10	1	9	6	4
Immigration and Nationality Act	2	0	2	1	1
Standing	2	1	1	2	0
Administrative Procedure	1	0	1	0	1
Clean Water Act	1	0	1	0	1
Federal Labor Relations Authority	1	0	1	1	0
HEROES Act	1	0	1	0	1
Internal Revenue Code	1	0	1	1	0
Veterans Affairs	1	0	1	1	0
<i>Other Action by or Against the United States or Its Officers</i>	8	1	7	4	4
False Claims Act	2	0	2	2	0
Federal Indian Law	2	1	1	2	0
Bank Secrecy Act	1	0	1	0	1
Federal Court Jurisdiction	1	0	1	0	1
Quiet Title Act	1	0	1	0	1
Title VII	1	0	1	0	1
STATE OR LOCAL GOVERNMENT LITIGATION	8	3	5	2	6
Section 1983	2	0	2	0	2
Americans with Disabilities Act	1	0	1	0	1
Dormant Commerce Clause	1	1	0	1	0
First Amendment	1	1	0	0	1
Sovereign Immunity	1	0	1	1	0
Takings Clause	1	1	0	0	1
Voting Rights Act	1	0	1	0	1

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

TABLE III (continued)

## SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	TOTAL	Principal Issue		Decision	
		Constitutional	Other	For Gov't	Against Gov't
PRIVATE LITIGATION	15	1	14	—	—
<i>Federal Question Jurisdiction</i>	15	1	14	—	—
Bankruptcy Code	2	0	2	—	—
Justice Against Sponsors of Terrorism Act	2	0	2	—	—
Lanham Act	2	0	2	—	—
Civil Procedure	1	0	1	—	—
Copyright	1	0	1	—	—
Equal Protection Clause	1	1	0	—	—
Fair Labor Standards Act	1	0	1	—	—
Federal Arbitration Act	1	0	1	—	—
Patents	1	0	1	—	—
Racketeer Influenced and Corrupt Organizations Act	1	0	1	—	—
Securities Act of 1933	1	0	1	—	—
Sovereign Immunity	1	0	1	—	—
<b>FEDERAL CRIMINAL CASES</b>	<b>8</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>4</b>
Confrontation Clause	1	1	0	1	0
Double Jeopardy	1	1	0	1	0
First Amendment	1	1	0	1	0
Foreign Sovereign Immunities Act	1	0	1	1	0
Honest Services Fraud	1	0	1	0	1
Identity Theft	1	0	1	0	1
Sentencing	1	0	1	0	1
Wire Fraud	1	0	1	0	1
<b>FEDERAL HABEAS CORPUS</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>
Antiterrorism and Effective Death Penalty Act	1	0	1	1	0

<sup>b</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.

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>3</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>
STATE OR LOCAL GOVERNMENT LITIGATION	1	1	0	0	1
Elections Clause	1	1	0	0	1
PRIVATE LITIGATION	2	1	1	0	0
<i>Federal Question Jurisdiction</i>	2	1	1	0	0
National Labor Relations Act	1	0	1	0	0
Personal Jurisdiction	1	1	0	0	0
<b>STATE CRIMINAL CASES</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>
First Amendment	1	1	0	0	1
State Criminal Procedure	1	0	1	0	1
<b>ORIGINAL JURISDICTION</b>	<b>2</b>	<b>0</b>	<b>2</b>	—	—
Escheat of Unclaimed Funds	1	0	1	—	—
Interstate Compact Interpretation	1	0	1	—	—
<b>TOTAL</b>	<b>57</b>	<b>12</b>	<b>45</b>	<b>17</b>	<b>21</b>

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	Percentage Granted	Unanimous	Public Dissenting Votes	Concurrences	Dissents	Statements
<b>Applications for Injunctive Relief</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>0.0%</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Applications for Stays</b>	<b>48</b>	<b>3</b>	<b>44</b>	<b>6.4%</b>	<b>42</b>	<b>18</b>	<b>0</b>	<b>4</b>	<b>0</b>
Applications for Stays (General) <sup>e</sup>	23	2	20	9.1%	20	10	0	2	0
Applications for Stays of Execution <sup>f</sup>	18	1	17	5.6%	17	2	0	1	0
Applications for Stays of Injunction <sup>g</sup>	3	0	3	0.0%	1	6	0	1	0
Applications for Stays of Mandate <sup>h</sup>	4	0	4	0.0%	4	0	0	0	0
<b>Applications to Vacate</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>50.0%</b>	<b>4</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>1</b>
Applications to Vacate the Injunction <sup>i</sup>	3	1	1	50.0%	1	6	0	1	0
Applications to Vacate Stays	3	1	2	33.3%	3	0	0	0	1
Applications to Vacate Stays of Execution	1	1	0	100.0%	0	3	0	0	0
<b>Other<sup>j</sup></b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>0.0%</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>66</b>	<b>6</b>	<b>58</b>	<b>9.4%</b>	<b>57</b>	<b>27</b>	<b>0</b>	<b>5</b>	<b>1</b>

<sup>a</sup> This is the third 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/8E6K-8Z8V>]. See also House Committee on the Judiciary, *The Supreme Court's Shadow Docket*, YOUTUBE (Feb. 18, 2021), <https://www.youtube.com/live/oC1Vo-MJ9IQ?si=H-OOKGHjwLc53YFP> [<https://perma.cc/KY36-YZDH>]; Press



TABLE IV (*continued*)

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 of the prior Term and ending the day the Court releases its last full opinion in the current Term — sometimes cases in last Term's *Supreme Court Reporter* are included in the current statistical term. To stay true to the statistical year, such cases are included.

These tables do not include orders relating to motions to proceed *in forma pauperis*, see, e.g., *Arreola-Ochoa v. Garland*, 143 S. Ct. 351 (2022) (mem.), petitions for rehearings, see, e.g., *Kaetz v. Educ. Credit Mgmt. Corp.*, 143 S. Ct. 416 (2022) (mem.), petitions for writs of habeas corpus, see, e.g., *In re Nichols*, 143 S. Ct. 396 (2022) (mem.), petitions for writs of mandamus, see, e.g., *In re Lewis*, 143 S. Ct. 416 (2022) (mem.), or denials of petitions for writs of certiorari, see, e.g., *Battle v. United States*, 143 S. Ct. 394 (2022) (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 percentage 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. If the Court deferred consideration of the application pending oral argument, 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 multiplying 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 category includes applications for stay pending certiorari. See *McQuilla v. South Carolina*, 143 S. Ct. 59 (2022) (mem.); *Arizona v. Mayorkas*, 143 S. Ct. 478 (2022) (mem.). Additionally, this Term, three applications for stay were treated by the Court as petitions for writ of certiorari before judgment. In *United States v. Texas*, 143 S. Ct. 51 (2022) (mem.), the Court denied the application for a stay concurrently with its grant of certiorari. In *Arizona v. Mayorkas*, 143 S. Ct. 478 (2022) (mem.), the Court granted the application for a stay concurrently with its grant of certiorari. In *Department of Education v. Brown*, 143 S. Ct. 541 (2022) (mem.), the Court held the application for stay in abeyance pending oral argument. This case is treated as neither granted nor denied. See *supra* note c.

TABLE IV (*continued*)

<sup>f</sup> Due to the expansion of *The Statistics* to include Table IV, the earlier Table II(F) — Dispositions of Applications for Stays of Execution — has been merged into Table IV(A). The method for collecting the data on applications for stays of execution has not changed. The granted, denied, and percentage 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 person incarcerated on death row as a single application. Although the Court entertained twenty-eight applications for stays of execution last Term, those applications pertained to only eighteen 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); SUP. CT. OF THE U.S., A REPORTER'S GUIDE TO APPLICATIONS PENDING BEFORE THE SUPREME COURT OF THE UNITED STATES (2022), <https://www.supremecourt.gov/publicinfo/reportersguide.pdf> [<https://perma.cc/4MRP-RYAG>]; and *The Supreme Court, 2006 Term — The Statistics*, 121 HARV. L. REV. 436, 446 n.t (2007).

<sup>g</sup> This category includes applications for stays and injunctions. See *Graham v. Fulton Cnty. Special Purpose Grand Jury*, 143 S. Ct. 397 (2022) (mem.); *Ward v. Thompson*, 143 S. Ct. 439 (2022) (mem.).

<sup>h</sup> This category includes an application to recall and stay mandate. See *Moses v. Edwards*, 143 S. Ct. 367 (2022) (mem.).

<sup>i</sup> One application to vacate injunction was held in abeyance pending oral argument. See *Biden v. Nebraska*, 143 S. Ct. 477 (2022) (mem.). This case is treated as neither granted nor denied. See *supra* note c.

<sup>j</sup> This category includes three applications for certificates of appealability. See *Bethany v. United States*, 143 S. Ct. 46 (2022) (mem.); *Basey v. United States*, 143 S. Ct. 59 (2022) (mem.); *Moore v. United States*, 143 S. Ct. 60 (2022) (mem.). It also includes two applications for bail. See *Thompson v. Charles Cnty. Det. Ctr.*, 143 S. Ct. 367 (2022) (mem.); *Ravenell v. United States*, 143 S. Ct. 399 (2022) (mem.). In previous years, this category has included applications to order the judgment forthwith, see, e.g., *Comms. of the U.S. House of Representatives v. Trump*, 141 S. Ct. 196 (2020) (mem.), and applications for interim relief, see, e.g., *Gohmert v. Pence*, 141 S. Ct. 972 (2021) (mem.). Additionally, applications relating to custody under Supreme Court Rule 36 would be included in this category. This form of relief has become dormant, in large part due to the Bail Reform Act of 1984, 18 U.S.C. §§ 3062, 3141–3150. However, it is still within the Court's jurisdiction.

TABLE IV (continued)

(B1) VOTING ALIGNMENTS — ALL ORDERS<sup>k</sup>

		Roberts	Thomas	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Jackson
Roberts	O	—	72	72	70	72	70	76	73	70
	S	—	0	0	0	0	0	0	0	0
	D	—	72	72	70	72	70	76	73	70
	N	—	76	76	76	76	72	76	76	76
	<b>P (%)</b>	<b>—</b>	<b>94.7</b>	<b>94.7</b>	<b>92.1</b>	<b>94.7</b>	<b>97.2</b>	<b>100.0</b>	<b>96.1</b>	<b>92.1</b>
Thomas	O	72	—	72	66	68	67	72	70	66
	S	0	—	3	0	0	1	0	1	0
	D	72	—	74	66	68	68	72	71	66
	N	76	—	76	76	76	72	76	76	76
	<b>P (%)</b>	<b>94.7</b>	<b>—</b>	<b>97.4</b>	<b>86.8</b>	<b>89.5</b>	<b>94.4</b>	<b>94.7</b>	<b>93.4</b>	<b>86.8</b>
Alito	O	72	72	—	66	68	67	72	70	66
	S	0	3	—	0	0	1	0	1	0
	D	72	74	—	66	68	68	72	71	66
	N	76	76	—	76	76	72	76	76	76
	<b>P (%)</b>	<b>94.7</b>	<b>97.4</b>	<b>—</b>	<b>86.8</b>	<b>89.5</b>	<b>94.4</b>	<b>94.7</b>	<b>93.4</b>	<b>86.8</b>
Sotomayor	O	70	66	66	—	70	65	70	69	70
	S	0	0	0	—	0	0	0	0	1
	D	70	66	66	—	70	65	70	69	71
	N	76	76	76	—	76	72	76	76	76
	<b>P (%)</b>	<b>92.1</b>	<b>86.8</b>	<b>86.8</b>	<b>—</b>	<b>92.1</b>	<b>90.3</b>	<b>92.1</b>	<b>90.8</b>	<b>93.4</b>
Kagan	O	72	68	68	70	—	67	72	71	70
	S	0	0	0	0	—	0	0	0	0
	D	72	68	68	70	—	67	72	71	70
	N	76	76	76	76	—	72	76	76	76
	<b>P (%)</b>	<b>94.7</b>	<b>89.5</b>	<b>89.5</b>	<b>92.1</b>	<b>—</b>	<b>93.1</b>	<b>94.7</b>	<b>93.4</b>	<b>92.1</b>
Gorsuch	O	70	67	67	65	67	—	70	68	65
	S	0	1	1	0	0	—	0	1	1
	D	70	68	68	65	67	—	70	69	66
	N	72	72	72	72	72	—	72	72	72
	<b>P (%)</b>	<b>97.2</b>	<b>94.4</b>	<b>94.4</b>	<b>90.3</b>	<b>93.1</b>	<b>—</b>	<b>97.2</b>	<b>95.8</b>	<b>91.7</b>
Kavanaugh	O	76	72	72	70	72	70	—	73	70
	S	0	0	0	0	0	0	—	0	0
	D	76	72	72	70	72	70	—	73	70
	N	76	76	76	76	76	72	—	76	76
	<b>P (%)</b>	<b>100.0</b>	<b>94.7</b>	<b>94.7</b>	<b>92.1</b>	<b>94.7</b>	<b>97.2</b>	<b>—</b>	<b>96.1</b>	<b>92.1</b>
Barrett	O	73	70	70	69	71	68	73	—	69
	S	0	1	1	0	0	1	0	—	0
	D	73	71	71	69	71	69	73	—	69
	N	76	76	76	76	76	72	76	—	76
	<b>P (%)</b>	<b>96.1</b>	<b>93.4</b>	<b>93.4</b>	<b>90.8</b>	<b>93.4</b>	<b>95.8</b>	<b>96.1</b>	<b>—</b>	<b>90.8</b>
Jackson	O	70	66	66	70	70	65	70	69	—
	S	0	0	0	1	0	1	0	0	—
	D	70	66	66	71	70	66	70	69	—
	N	76	76	76	76	76	72	76	76	—
	<b>P (%)</b>	<b>92.1</b>	<b>86.8</b>	<b>86.8</b>	<b>93.4</b>	<b>92.1</b>	<b>91.7</b>	<b>92.1</b>	<b>90.8</b>	<b>—</b>

TABLE IV (continued)  
 (B<sub>2</sub>) VOTING ALIGNMENTS — NONUNANIMOUS ORDERS<sup>1</sup>

		Roberts	Thomas	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Jackson
Roberts	O	—	5	5	4	5	7	9	6	4
	S	—	0	0	0	0	0	0	0	0
	D	—	5	5	4	5	7	9	6	4
	N	—	9	9	9	9	9	9	9	9
	<b>P (%)</b>	—	<b>55.6</b>	<b>55.6</b>	<b>44.4</b>	<b>55.6</b>	<b>77.8</b>	<b>100.0</b>	<b>66.7</b>	<b>44.4</b>
Thomas	O	5	—	5	0	1	4	5	3	0
	S	0	—	2	0	0	1	0	1	0
	D	5	—	7	0	1	5	5	4	0
	N	9	—	9	9	9	9	9	9	9
	<b>P (%)</b>	<b>55.6</b>	—	<b>77.8</b>	<b>0.0</b>	<b>11.1</b>	<b>55.6</b>	<b>55.6</b>	<b>44.4</b>	<b>0.0</b>
Alito	O	5	5	—	0	1	4	5	3	0
	S	0	2	—	0	0	1	0	1	0
	D	5	7	—	0	1	5	5	4	0
	N	9	9	—	9	9	9	9	9	9
	<b>P (%)</b>	<b>55.6</b>	<b>77.8</b>	—	<b>0.0</b>	<b>11.1</b>	<b>55.6</b>	<b>55.6</b>	<b>44.4</b>	<b>0.0</b>
Sotomayor	O	4	0	0	—	4	3	4	3	4
	S	0	0	0	—	0	0	0	0	1
	D	4	0	0	—	4	3	4	3	5
	N	9	9	9	—	9	9	9	9	9
	<b>P (%)</b>	<b>44.4</b>	<b>0.0</b>	<b>0.0</b>	—	<b>44.4</b>	<b>33.3</b>	<b>44.4</b>	<b>33.3</b>	<b>55.6</b>
Kagan	O	5	1	1	4	—	4	5	4	4
	S	0	0	0	0	—	0	0	0	0
	D	5	1	1	4	—	4	5	4	4
	N	9	9	9	9	—	9	9	9	9
	<b>P (%)</b>	<b>55.6</b>	<b>11.1</b>	<b>11.1</b>	<b>44.4</b>	—	<b>44.4</b>	<b>55.6</b>	<b>44.4</b>	<b>44.4</b>
Gorsuch	O	7	4	4	3	4	—	7	5	3
	S	0	1	1	0	0	—	0	1	1
	D	7	5	5	3	4	—	7	6	4
	N	9	9	9	9	9	—	9	9	9
	<b>P (%)</b>	<b>77.8</b>	<b>55.6</b>	<b>55.6</b>	<b>33.3</b>	<b>44.4</b>	—	<b>77.8</b>	<b>66.7</b>	<b>44.4</b>
Kavanaugh	O	9	5	5	4	5	7	—	6	4
	S	0	0	0	0	0	0	—	0	0
	D	9	5	5	4	5	7	—	6	4
	N	9	9	9	9	9	9	—	9	9
	<b>P (%)</b>	<b>100.0</b>	<b>55.6</b>	<b>55.6</b>	<b>44.4</b>	<b>55.6</b>	<b>77.8</b>	—	<b>66.7</b>	<b>44.4</b>
Barrett	O	6	3	3	3	4	5	6	—	3
	S	0	1	1	0	0	1	0	—	0
	D	6	4	4	3	4	6	6	—	3
	N	9	9	9	9	9	9	9	—	9
	<b>P (%)</b>	<b>66.7</b>	<b>44.4</b>	<b>44.4</b>	<b>33.3</b>	<b>44.4</b>	<b>66.7</b>	<b>66.7</b>	—	<b>33.3</b>
Jackson	O	4	0	0	4	4	3	4	3	—
	S	0	0	0	1	0	1	0	0	—
	D	4	0	0	5	4	4	4	3	—
	N	9	9	9	9	9	9	9	9	—
	<b>P (%)</b>	<b>44.4</b>	<b>0.0</b>	<b>0.0</b>	<b>55.6</b>	<b>44.4</b>	<b>44.4</b>	<b>44.4</b>	<b>33.3</b>	—

TABLE IV (*continued*)

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<sup>k</sup> Table IV(B1) 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(B1) and IV(B2), "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 either in the Court's disposition or in a separate dissenting writing and is calculated by dividing the "D" value by the "N" value and multiplying the quotient by 100.

<sup>l</sup> Like Table IV(B1), Table IV(B2) 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(B2) 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>m</sup>**

	Concurrences	Dissents	Statements	TOTAL
Roberts	0	0	0	0
Thomas	0	0	0	0
Alito	0	3	1	4
Sotomayor	0	0	0	0
Kagan	0	0	0	0
Gorsuch	0	1	0	1
Kavanaugh	0	0	0	0
Barrett	0	0	0	0
Jackson	0	1	0	1
Total	0	5	1	6

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