

THE STATISTICS

TABLE I^a
(A) ACTIONS OF INDIVIDUAL JUSTICES

	OPINIONS WRITTEN ^b				DISSENTING VOTES ^c		
					In Disposition by		
	Opinions of Court ^d	Concurrences ^e	Dissents ^e	TOTAL	Opinion	Memo-randum ^f	TOTAL
Roberts	8	2	7	17	11	0	11
Scalia	8	5	11	24	17	0	17
Kennedy	8	5	1	14	7	1	8
Thomas	8	11	6	25	16	0	16
Ginsburg	9	1	7	17	16	0	16
Breyer	8	5	5	18	13	0	13
Alito	8	6	8	22	16	1	17
Sotomayor	8	3	5	16	16	0	16
Kagan	8	2	3	13	14	0	14
Per Curiam	5	—	—	5	—	—	—
Total	78	40	52^g	170^g	126	2	128

^a 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 section (A) and the memorandum tabulations in section (C), includes only full-opinion decisions. Five per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions during October Term 2012. These cases were *Ryan v. Schad*, 133 S. Ct. 2548 (2013); *Nevada v. Jackson*, 133 S. Ct. 1990 (2013); *Marshall v. Rodgers*, 133 S. Ct. 1446 (2013); *Nitro-Lift Technologies, L.L.C. v. Howard*, 133 S. Ct. 500 (2012); and *Lefemine v. Wideman*, 133 S. Ct. 9 (2012). This table includes every opinion designated by the Court as a 2012 Term Opinion except for one. See *2012 Term Opinions of the Court*, SUPREME COURT OF THE UNITED STATES, <http://www.supremecourt.gov/opinions/slipopinions.aspx?Term=12> (last visited Sept. 29, 2013). The omitted opinion is *Boyer v. Louisiana*, 133 S. Ct. 1702 (2013), which dismissed the associated 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.

^b This portion of Table I(A) includes only opinions authored in the seventy-eight 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.

^c 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.

^d A plurality opinion that announced the judgment of the Court is counted as the opinion of the Court. Thus, for example, Justice Alito’s opinion in *Salinas v. Texas*, 133 S. Ct. 2174 (2013), is considered the opinion of the Court in that case.

TABLE I (*continued*)

^e 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.

^f Dissenting votes in memorandum decisions include instances in which Justices expressed that they would not dispose of the case by memorandum order. There was one such instance this Term, *Marrero v. United States*, 133 S. Ct. 2732 (2013) (Alito, J., dissenting). This category does not include dissenting votes in orders relating to stays of execution; that information is presented in Table II(F) and its accompanying footnotes.

^g Justices Ginsburg and Breyer coauthored a six-page dissent in *Comcast Corp. v. Behrend*, 133 S. Ct. 1426 (2013). For the purposes of Table I(A), each Justice was credited with a full dissent, while the total number of dissents treats their joint opinion as a single dissent.

TABLE I (continued)
 (B1) VOTING ALIGNMENTS—ALL WRITTEN OPINIONS^h

		Roberts	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan
Roberts	O	—	54	59	54	49	53	55	47	48
	S	—	7	4	6	0	2	9	0	0
	D	—	61	63	60	49	55	63	47	48
	N	—	78	78	78	78	77	77	77	75
	P (%)	—	78.2	80.8	76.9	62.8	71.4	81.8	61.0	64.0
Scalia	O	54	—	50	49	45	43	45	42	44
	S	7	—	3	13	7	1	4	4	5
	D	61	—	53	62	49	43	49	45	47
	N	78	—	78	78	78	77	77	77	75
	P (%)	78.2	—	68.0	79.5	62.8	55.8	63.6	58.4	62.7
Kennedy	O	59	50	—	51	52	55	53	52	50
	S	4	3	—	3	1	1	6	4	0
	D	63	53	—	53	53	56	58	55	50
	N	78	78	—	78	78	77	77	77	75
	P (%)	80.8	68.0	—	68.0	68.0	72.7	75.3	71.4	66.7
Thomas	O	54	49	51	—	42	43	51	41	41
	S	6	13	3	—	1	1	10	3	1
	D	60	62	53	—	42	44	58	42	41
	N	78	78	78	—	78	77	77	77	75
	P (%)	76.9	79.5	68.0	—	53.9	57.1	75.3	54.6	54.7
Ginsburg	O	49	45	52	42	—	55	40	57	58
	S	0	7	1	1	—	11	0	17	17
	D	49	49	53	42	—	65	40	71	71
	N	78	78	78	78	—	77	77	77	75
	P (%)	62.8	62.8	68.0	53.9	—	84.4	52.0	92.2	94.7
Breyer	O	53	43	55	43	55	—	45	53	54
	S	2	1	1	1	11	—	3	9	11
	D	55	43	56	44	65	—	48	62	65
	N	77	77	77	77	77	—	76	76	74
	P (%)	71.4	55.8	72.7	57.1	84.4	—	63.2	81.6	87.8
Alito	O	55	45	53	51	40	45	—	40	39
	S	9	4	6	10	0	3	—	3	1
	D	63	49	58	58	40	48	—	42	39
	N	77	77	77	77	77	76	—	76	74
	P (%)	81.8	63.6	75.3	75.3	52.0	63.2	—	55.3	52.7
Sotomayor	O	47	42	52	41	57	53	40	—	56
	S	0	4	4	3	17	9	3	—	16
	D	47	45	55	42	71	62	42	—	69
	N	77	77	77	77	77	76	76	—	74
	P (%)	61.0	58.4	71.4	54.6	92.2	81.6	55.3	—	93.2
Kagan	O	48	44	50	41	58	54	39	56	—
	S	0	5	0	1	17	11	1	16	—
	D	48	47	50	41	71	65	39	69	—
	N	75	75	75	75	75	74	74	74	—
	P (%)	64.0	62.7	66.7	54.7	94.7	87.8	52.7	93.2	—

TABLE I (continued)
 (B2) VOTING ALIGNMENTS — NONUNANIMOUS CASESⁱ

		Roberts	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan
Roberts	O	—	24	29	24	19	23	25	17	19
	S	—	7	4	6	0	2	9	0	0
	D	—	31	33	30	19	25	33	17	19
	N	—	48	48	48	48	47	47	47	46
	P (%)	—	64.6	68.8	62.5	39.6	53.2	70.2	36.2	41.3
Scalia	O	24	—	20	19	15	13	15	12	15
	S	7	—	3	13	6	0	4	4	5
	D	31	—	23	32	19	13	19	15	18
	N	48	—	48	48	48	47	47	47	46
	P (%)	64.6	—	47.9	66.7	39.6	27.7	40.4	31.9	39.1
Kennedy	O	29	20	—	21	22	25	23	22	21
	S	4	3	—	2	1	1	5	3	0
	D	33	23	—	23	23	26	28	25	21
	N	48	48	—	48	48	47	47	47	46
	P (%)	68.8	47.9	—	47.9	47.9	55.3	59.6	53.2	45.7
Thomas	O	24	19	21	—	12	13	21	11	12
	S	6	13	2	—	1	1	8	2	1
	D	30	32	23	—	12	14	28	12	12
	N	48	48	48	—	48	47	47	47	46
	P (%)	62.5	66.7	47.9	—	25.0	29.8	59.6	25.5	26.1
Ginsburg	O	19	15	22	12	—	25	10	27	29
	S	0	6	1	1	—	10	0	17	17
	D	19	19	23	12	—	35	10	41	42
	N	48	48	48	48	—	47	47	47	46
	P (%)	39.6	39.6	47.9	25.0	—	74.5	21.3	87.2	91.3
Breyer	O	23	13	25	13	25	—	15	23	25
	S	2	0	1	1	10	—	3	9	11
	D	25	13	26	14	35	—	18	32	36
	N	47	47	47	47	47	—	46	46	45
	P (%)	53.2	27.7	55.3	29.8	74.5	—	39.1	69.6	80.0
Alito	O	25	15	23	21	10	15	—	10	10
	S	9	4	5	8	0	3	—	2	1
	D	33	19	28	28	10	18	—	12	10
	N	47	47	47	47	47	46	—	46	45
	P (%)	70.2	40.4	59.6	59.6	21.3	39.1	—	26.1	22.2
Sotomayor	O	17	12	22	11	27	23	10	—	27
	S	0	4	3	2	17	9	2	—	16
	D	17	15	25	12	41	32	12	—	40
	N	47	47	47	47	47	46	46	—	45
	P (%)	36.2	31.9	53.2	25.5	87.2	69.6	26.1	—	88.9
Kagan	O	19	15	21	12	29	25	10	27	—
	S	0	5	0	1	17	11	1	16	—
	D	19	18	21	12	42	36	10	40	—
	N	46	46	46	46	46	45	45	45	—
	P (%)	41.3	39.1	45.7	26.1	91.3	80.0	22.2	88.9	—

TABLE I (*continued*)

^h Table I(B1) records the frequency with which each Justice voted with each other Justice in full-opinion decisions, including the five 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 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 Kennedy is not treated as having joined the opinion of the Court in *Missouri v. McNeely*, 133 S. Ct. 1552 (2013), because he authored an opinion concurring in part. By contrast, Justice Scalia is treated as having fully joined Justice Ginsburg's opinion in *Levin v. United States*, 133 S. Ct. 1224 (2013), even though he did not join footnotes 6 and 7.

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 other than an opinion of the Court or an opinion announcing the judgment of the Court. 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 "O" and "S." "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 "D" by "N" and multiplying the resulting figure by 100.

ⁱ Like Table I(B1), Table I(B2) records the frequency with which each Justice 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 ^j	With Dissent	TOTAL
Full Opinions	31 (39.7%)	7 (9.0%)	40 (51.3%)	78
Memorandum Orders	134 (99.3%)	0 (0%)	1 (0.7%)	135

(D) VOTING PATTERNS IN NONUNANIMOUS CASES^k

	JOINING THE OPINION OF THE COURT ^l			AGREEING IN THE DISPOSITION OF THE CASE ^m		
	Joined Court	Total Cases	Percentage	Agreed in Disposition	Total Cases	Percentage
Roberts	35	48	72.9%	36	48	75.0%
Scalia	27	48	56.3%	31	48	64.6%
Kennedy	37	48	77.1%	40	48	83.3%
Thomas	27	48	56.3%	32	48	66.7%
Ginsburg	31	48	64.6%	32	48	66.7%
Breyer	31	47	66.0%	34	47	72.3%
Alito	27	47	57.4%	31	47	66.0%
Sotomayor	29	47	61.7%	31	47	66.0%
Kagan	31	46	67.4%	32	46	70.0%

^j 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.,* L.A. Cnty. Flood Control Dist. v. Natural Res. Def. Council, Inc., 133 S. Ct. 710 (2013).

^k Table I(D) records the frequency with which each Justice joined the opinion of the Court in nonunanimous, full-opinion decisions. This table usually includes per curiam decisions containing sufficient legal reasoning to be considered full opinions, *see supra* note a, if those decisions produced dissenting votes. This Term, however, there were no such opinions.

^l 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 h.

^m 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 a Justice concurred in the judgment without concurring in 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 ⁿ
Roberts, Scalia, Kennedy, Thomas, Alito ^o	9
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan ^p	5
Roberts, Kennedy, Thomas, Breyer, Alito ^q	3
Roberts, Scalia, Ginsburg, Breyer, Kagan ^r	1
Scalia, Kennedy, Ginsburg, Sotomayor, Kagan ^s	1
Scalia, Thomas, Ginsburg, Sotomayor, Kagan ^t	1
Thomas, Ginsburg, Breyer, Sotomayor, Kagan ^u	1
Total	21

ⁿ 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, no matter how minor, differently than the majority of the Court. Cases involving plurality opinions are included so long as the Justices divided 5–4 on the disposition. *See, e.g.*, *Salinas v. Texas*, 133 S. Ct. 2174 (2013). Cases in which there was a 5–4 split on the reasoning of the majority opinion but not on the disposition of the case are not included. *See, e.g.*, *Kiobel v. Royal Dutch Petrol. Co.*, 133 S. Ct. 1659 (2013). Cases in which any Justice did not participate are not included. *See, e.g.*, *Am. Express Co. v. Italian Colors Rest.*, 133 S. Ct. 2304 (2013).

^o *Shelby Cnty. v. Holder*, 133 S. Ct. 2612 (2013) (Roberts, C.J.); *Koontz v. St. Johns River Water Mgmt. Dist.*, 133 S. Ct. 2586 (2013) (Alito, J.); *Univ. of Tex. Sw. Med. Ctr. v. Nassar*, 133 S. Ct. 2517 (2013) (Kennedy, J.); *Mut. Pharm. Co. v. Bartlett*, 133 S. Ct. 2466 (2013) (Alito, J.); *Vance v. Ball State Univ.*, 133 S. Ct. 2434 (2013) (Alito, J.); *Salinas*, 133 S. Ct. 2174 (Alito, J.) (plurality opinion); *Genesis HealthCare Corp. v. Symczyk*, 133 S. Ct. 1523 (2013) (Thomas, J.); *Comcast Corp. v. Behrend*, 133 S. Ct. 1426 (2013) (Scalia, J.); *Clapper v. Amnesty Int’l USA*, 133 S. Ct. 1138 (2013) (Alito, J.).

^p *United States v. Windsor*, 133 S. Ct. 2675 (2013) (Kennedy, J.); *Peugh v. United States*, 133 S. Ct. 2072 (2013) (Sotomayor, J.); *McQuiggin v. Perkins*, 133 S. Ct. 1924 (2013) (Ginsburg, J.); *Trevino v. Thaler*, 133 S. Ct. 1911 (2013) (Breyer, J.); *US Airways, Inc. v. McCutchen*, 133 S. Ct. 1537 (2013) (Kagan, J.).

^q *Adoptive Couple v. Baby Girl*, 133 S. Ct. 2552 (2013) (Alito, J.); *Maracich v. Spears*, 133 S. Ct. 2191 (2013) (Kennedy, J.); *Maryland v. King*, 133 S. Ct. 1958 (2013) (Kennedy, J.).

^r *Hollingsworth v. Perry*, 133 S. Ct. 2652 (2013) (Roberts, C.J.).

^s *Missouri v. McNeely*, 133 S. Ct. 1552 (2013) (Sotomayor, J.).

^t *Florida v. Jardines*, 133 S. Ct. 1409 (2013) (Scalia, J.).

^u *Alleyne v. United States*, 133 S. Ct. 2151 (2013) (Thomas, J.).

TABLE I (continued)
 (F) AVERAGE OPINION LENGTH^v

	OPINION OF THE COURT	CONCURRING OPINION	CONCURRING IN JUDGMENT ^w	DISSENTING OPINION	TOTAL PAGES
Roberts	14.6	1.0	4.3	10.0	191.7
Scalia	10.6	2.0	2.3	7.7	180.8
Kennedy	19.7	1.6	1.4	13.0	177.8
Thomas	13.7	5.1	1.6	11.8	221.7
Ginsburg ^x	14.2	5.0	—	20.7	278.3
Breyer ^x	14.7	1.8	6.8	10.4	193.6
Alito	18.4	1.2	3.3	9.7	238.2
Sotomayor	18.0	4.4	—	16.6	240.3
Kagan	13.1	3.5	—	13.2	151.2
Per Curiam	5.6	—	—	—	27.8

^v This is the first year that *The Statistics* has included data on opinion length. Monitoring opinion length by Justice will likely be useful for tracking the writing habits of individual Justices over time, as well as for comparing the writing habits of Justices in a given Term. The data in this table reflects 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. To obtain the average length figure, the number of pages written by each Justice was summed within each category of opinion and divided 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). A typical slip-opinion page contains approximately 560 to 590 words.

^w 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 are categorized here under Dissenting Opinion.

^x For the purposes of Table I(F), Justices Ginsburg and Breyer are each credited with having authored the full dissent in *Comcast Corp. v. Behrend*, 133 S. Ct. 1426 (2013). See *supra* note g.

TABLE II^a
(A) FINAL DISPOSITION OF CASES

	TOTAL	Remaining on Disposed of	Docket
Original Docket	0	3	3
Appellate Docket ^b	1515	291 ^c	1806
Miscellaneous Docket ^d	6101	896 ^c	6997
Total	7616	1190	8806

(B) CASES GRANTED REVIEW^e

	Review Granted ^f	Petitions Considered ^g	Percent Granted
Appellate Docket	83	1544	5.4%
Miscellaneous Docket	10	6103	0.2%
Total	93	7647	1.2%

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

^b The appellate docket consists of all paid cases.

^c The number of cases remaining on the appellate and miscellaneous dockets is calculated by adding the number of cases not acted upon in the 2012 Term to the number of cases granted review in the 2012 Term but carried over to the 2013 Term.

^d The miscellaneous docket consists of all cases filed *in forma pauperis*.

^e 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.

^f The number of cases granted review includes only those cases granted plenary review in the 2012 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2012 Term. It does include cases granted review in the 2012 Term but carried over to a subsequent Term.

^g The number of petitions considered is calculated by adding the number of cases docketed in the 2012 Term to the number of cases carried over from prior Terms and subtracting the number of cases not acted upon in the 2012 Term.

TABLE II (*continued*)
 (C) METHOD OF DISPOSITION^h

On Review	93
Summarily Decided	86
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review	7437
Total	7616

(D) DISPOSITION OF CASES
 REVIEWED ON WRIT OF CERTIORARIⁱ

	Reversed ^j	Vacated ^k	Affirmed	TOTAL
Full Opinions	41 (52.6%)	15 (19.2%)	22 (28.2%)	78
Memorandum Orders	0 (0%)	130 (99.2%)	1 (0.8%)	131
Total	41 (19.6%)	145 (69.4%)	23 (11.0%)	209

^h Table II(C) does not include cases within the Court's original jurisdiction.

ⁱ Table II(D) reports the disposition of cases reviewed via writ of certiorari and decided on the merits. It does not include cases reviewed under other bases of jurisdiction, such as *Backus v. South Carolina*, 133 S. Ct. 156 (2012) (mem.) (reviewed under 28 U.S.C. § 1253 (2006)).

^j This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

^k This category includes cases vacated in part and affirmed in part.

TABLE II (*continued*)
 (E) ORIGINS OF CASES AND THEIR DISPOSITIONS¹

	FULL OPINIONS ^m			MEMORANDUM ORDERS			TOTAL
	Reversed ⁿ	Vacated ^o	Affirmed	Reversed	Vacated	Affirmed	
Federal Courts	35	14	17	0	114	3	183
Circuit Courts	35	13	17	0	112	1	178
First	1	0	0	0	2	0	3
Second	6	0	4	0	4	0	14
Third	4	1	1	0	8	0	14
Fourth	0	3	2	0	10	0	15
Fifth	3	3	1	0	25	0	32
Sixth	1	1	0	0	7	0	9
Seventh	1	0	2	0	31	0	34
Eighth	1	0	0	0	10	0	11
Ninth	11	1	2	0	5	0	19
Tenth	0	0	2	0	1	0	3
Eleventh	3	3	0	0	5	0	11
D.C.	2	0	1	0	0	1 ^p	4
Federal	2	1	2	0	4	0	9
District Courts	0	1 ^q	0	0	2	2	5
Armed Forces	0	0	0	0	0	0	0
State Courts	6	1	5	0	18	0	30
Total	41	15	22	0	132	3	213

¹ Table II(E) counts consolidated cases disposed of by the same lower court opinion as a single case. It does not include original cases.

^m This section reports only full opinions decided on the merits. It thus includes five per curiam decisions containing sufficient legal reasoning to be counted as full opinions. *See supra* Table I, note a.

ⁿ This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

^o This category includes cases vacated in part and affirmed in part.

^p *See Sibley v. Supreme Court*, 133 S. Ct. 393 (2012) (mem.). In this case, only Justice Kagan took part in the consideration or decision of the petition for certiorari, which left the Court without quorum. Justice Kagan determined that the case could not be heard and determined at the next Term of the Court, and the judgment was therefore affirmed under 28 U.S.C. § 2109. *Sibley*, 133 S. Ct. at 393.

^q *Std. Fire Ins. Co. v. Knowles*, 133 S. Ct. 1345 (2013).

TABLE II (*continued*)
 (F) DISPOSITION OF APPLICATIONS FOR
 STAYS OF EXECUTION^r

	Granted ^s	Denied ^t	Percent Granted
Stay Applications	2	26	7.14%

^r This table treats multiple applications from the same death row inmate as a single application. Although the Court entertained forty-four applications for stays of execution last Term, these applications pertained to only twenty-eight different people.

This table includes only those dispositions that appear in the *Supreme Court Reporter* and excludes applications to vacate stays of execution.

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 (2010), available at <http://www.supremecourt.gov/publicinfo/reportersguide.pdf>; and *The Supreme Court, 2006 Term — The Statistics*, 121 HARV. L. REV. 436, 446 n.t (2007).

^s This Term, the Court granted two stay applications pending its decisions whether to grant certiorari in the underlying cases. These stays were to terminate automatically upon the Court's denial of the associated certiorari petition, or if certiorari was granted, upon issuance of the judgment of the Court. In both cases, certiorari was granted, the judgment was vacated, and the case was remanded for reconsideration in light of *Trevino v. Thaler*, 133 S. Ct. 1747 (2013). *Haynes v. Thaler*, 133 S. Ct. 2764 (2013) (mem.); *Balentine v. Thaler*, 133 S. Ct. 2763 (2013) (mem.). Justices Scalia and Alito dissented from the initial grant of stay in *Haynes v. Thaler*, 133 S. Ct. 498 (2012) (mem.). Justice Sotomayor issued a statement, separate from the memorandum opinion granting the stay, concurring in the grant of stay of execution, in which Justice Ginsburg joined. See *Haynes v. Thaler*, 133 S. Ct. 639 (2012). Justice Scalia authored a dissent from the stay, in which Justices Thomas and Alito joined. *Id.* (Scalia, J., dissenting from the grant of stay of execution). Justice Thomas joined this dissent, which was published alongside Justice Sotomayor's concurring statement and not with the original memorandum, though he did not dissent in the original disposition of the stay.

^t Twenty-four denials were unanimous. Two denials attracted dissents. Justices Ginsburg, Sotomayor, and Kagan dissented together once. *Foster v. Thaler*, 133 S. Ct. 99 (2012) (mem.). Justice Breyer dissented once. *Ferguson v. Florida*, 133 S. Ct. 497 (2012) (mem.). Chief Justice Roberts and Justices Scalia, Kennedy, Thomas, and Alito did not dissent from any denial of an application for a stay of execution.

TABLE III^a
SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	Principal Issue ^b		Decision		TOTAL
	Constitu- tional	Other	For Gov't ^c	Against Gov't ^c	
CIVIL ACTIONS FROM INFERIOR FEDERAL COURTS	13	35	11	18	48
FEDERAL GOVERNMENT LITIGATION	6	12	6	12	18
<i>Review of Administrative Action</i>	1	3	2	2	4
Agricultural Marketing Agreement Act	1	0	0	1	1
<i>Chevron</i> Doctrine	0	1	1	0	1
Medicare Act	0	1	1	0	1
Taxation	0	1	0	1	1
<i>Other Actions by or Against the United States or Its Officers</i>	5	9	4	10	14
Antitrust	0	2	2	0	2
Defense of Marriage Act	1	0	0	1	1
Federal Court Jurisdiction	0	1	0	1	1
Federal Tort Claims Act	0	2	0	2	2
Freedom of Speech	1	0	0	1	1
Immigration and Nationality Act	0	1	0	1	1
National Childhood Vaccine Injury Act	0	1	0	1	1
Sovereign Immunity	0	1	1	0	1
Standing	1	0	1	0	1
Statute of Limitations	0	1	0	1	1
Takings	1	0	0	1	1
Voting Rights Act	1	0	0	1	1

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

^b Each case is categorized as primarily constitutional or not. Cases invoking a mixture of statutory interpretation and constitutional adjudication are particularly difficult to classify. *Compare, e.g.,* *Horne v. Dep't of Agric.*, 133 S. Ct. 2053 (2013) (classified here as primarily constitutional in light of significant Takings Clause issue), *with, e.g.,* *Mut. Pharm. Co. v. Bartlett*, 133 S. Ct. 2466 (2013) (classified here as primarily not constitutional because depth of state and federal drug law analysis exceeded depth of Supremacy Clause analysis).

^c "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" the government 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

	Principal Issue		Decision		TOTAL
	Constitutional	Other	For Gov't	Against Gov't	
STATE OR LOCAL GOVERNMENT LITIGATION	4	9	5	6	13
Admiralty Jurisdiction	0	1	0	1	1
Civil Rights Attorney's Fees					
Awards Act	0	1	0	1	1
Clean Water Act	0	2	2	0	2
Equal Protection	1	0	0	1	1
Federal Preemption	1	2	0	3	3
Interstate Compacts	0	1	—	—	1
Privileges & Immunities	1	0	1	0	1
Standing	1	0	—	—	1
Title VII	0	2	2	0	2
PRIVATE LITIGATION	3	14	—	—	17
<i>Diversity Jurisdiction</i>	0	0	—	—	0
<i>Federal Question Jurisdiction</i>	3	14	—	—	17
Alien Tort Statute	0	1	—	—	1
Bankruptcy	0	1	—	—	1
Class Actions	0	1	—	—	1
Copyright	0	1	—	—	1
Driver's Privacy Protection Act	0	1	—	—	1
Employee Retirement Income Security Act	0	1	—	—	1
Fair Debt Collection Practices Act	0	1	—	—	1
Fair Labor Standards Act	1	0	—	—	1
Federal Arbitration Act	0	2	—	—	2
Federal Preemption	0	1	—	—	1
Federal Rules of Civil Procedure	0	2	—	—	2
Mootness	2	0	—	—	2
Patents	0	2	—	—	2

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

	Principal Issue		Decision		TOTAL
	Constitutional	Other	For Gov't	Against Gov't	
FEDERAL CRIMINAL CASES	5	4	3	6	9
Armed Career Criminal Act	0	1	0	1	1
Ex Post Facto	1	0	0	1	1
Federal Conspiracy Law	1	0	1	0	1
Federal Rules of Criminal Procedure	0	1	1	0	1
Hobbs Act	0	1	0	1	1
Plain Error Review	0	1	0	1	1
Right to Jury Trial	1	0	0	1	1
Search and Seizure	1	0	0	1	1
Sex Offender Registration and Notification Act	1	0	1	0	1
FEDERAL HABEAS CORPUS	2	7	7	2	9
AEDPA	0	1	0	1	1
AEDPA Deference	0	1	1	0	1
Competency	0	1	1	0	1
Confrontation Clause	0	1	1	0	1
Federal Rules of Appellate Procedure	0	1	1	0	1
Retroactivity	0	2	2	0	2
Right to Counsel	2	0	1	1	2
CIVIL ACTIONS FROM STATE COURTS	1	5	0	1	6
STATE OR LOCAL GOVERNMENT LITIGATION	1	0	0	1	1
Takings	1	0	0	1	1
PRIVATE LITIGATION	0	5	–	–	5
Indian Child Welfare Act	0	1	–	–	1
Federal Arbitration Act	0	1	–	–	1
Federal Preemption	0	2	–	–	2
Patents	0	1	–	–	1
STATE CRIMINAL CASES	6	0	3	3	6
Double Jeopardy	1	0	0	1	1
Search and Seizure	4	0	2	2	4
Self-Incrimination	1	0	1	0	1
ORIGINAL JURISDICTION	0	0	–	–	0
TOTAL	27	51	24	30	78