(ORDER LIST: 583 U.S.)

MONDAY, NOVEMBER 27, 2017

CERTIORARI -- SUMMARY DISPOSITION

16-9747 BROWN, WALTER A. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Third Circuit for further consideration in light of *Honeycutt* v. *United States*, 581 U. S. ____ (2017).

ORDERS IN PENDING CASES

17M60 BLACKWELL, RICKY L. V. SOUTH CAROLINA

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

16-9425 DOUGHERTY, KEITH V. McKEE, CHIEF, ET AL.

16-9687 MELOT, BILLY R. V. UNITED STATES

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

17-5989 STUKES, GEROD V. VA EMPLOY. COMM'N, ET AL.

17-6043 PODGORETSKY, OLEG G. V. OCWEN LOAN SERVICING, ET AL.

17-6071 MERCER, GREGORY S. V. FAIRFAX COUNTY BOARD, ET AL.

17-6133 WARKENTIN, KEITH V. FEDERATED LIFE INSURANCE CO.

17-6190 IMPERATO, DANIEL V. SEC

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 18,

2017, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

16-9363 RAMOS, JOEL R. V. WASHINGTON

16-9424 VALENCIA, GREGORY N., ET AL. V. ARIZONA

16-9707 DONMEZ, IBRAHIM V. NYC DEPT. OF CONSUMER AFFAIRS

16-9708 DONMEZ, IBRAHIM V. NYC DEPT. OF CONSUMER AFFAIRS

17-23 MOORE, CARLOS E. V. BRYANT, GOV. OF MS

17-40) COACHELLA VALLEY WATER, ET AL. V. AGUA CALIENTE BAND, ET AL.
)
17-42) DESERT WATER AGENCY, ET AL. V. AGUA CALIENTE BAND, ET AL.

17-68 NORMAN, DALE L. V. FLORIDA

17-136 OPENET TELECOM, ET AL. V. AMDOCS LTD.

17-178 AMERICAN HUMANIST ASSN., ET AL. V. BIRDVILLE INDEP. SCH., ET AL.

17-236 JOHNSON, SARAH M. V. IDAHO

17-242 CROUSE, RICHARD, ET AL. V. MONCKS CORNER, ET AL.

17-248 WILMINGTON TRUST CO. V. BRESLER, FLEUR S., ET AL.

17-369 TOWNSEND, LLOYD G. V. MONTGOMERY, WARDEN, ET AL.

17-371 PROVIDENT SAVINGS BANK V. McKEEN-CHAPLIN, GINA

17-373 LONG, RAYMOND A. V. PARRY, LLOYD G., ET AL.

17-374 LEGGETT, KATHERINE, ET AL. V. EQT PRODUCTION CO., ET AL.

17-377 VIRIYAPANTHU, PAUL V. CANTIL-SAKAUYE, TANI G., ET AL.

17-381 MANN, CHAUNCEY L. V. STRUCTURED ASSET MORTGAGE, ET AL

17-382 GONZALEZ, MICHELLE V. FLORIDA

17-388 F5 CAPITAL V. PAPPAS, PETROS, ET AL.

17-397 FORD, BARBARA V. SHELBY CTY. HEALTH CARE, ET AL.

17-398 STUNZIG, ROBERT L. V. KOCH, JESSICA F., ET AL.

17-406 SOLONENKO, NINA, ET AL. V. GEORGIA NOTES 18, ET AL.

17-407 SMITH, DELANEY E. V. LOS ANGELES CTY. METRO, ET AL.

17-413 COLE, ROBERT, ET AL. V. MERITOR, INC., ET AL.

17-427 PHELPS-ROPER, SHIRLEY L. V. RICKETTS, GOV. OF NE, ET AL.

17-440 ESTATE OF E. WAYNE HAGE, ET AL. V. UNITED STATES

17-461 SPENCER, WILLIAM W. V. MATTIS, SEC. OF DEFENSE

17-462 VASATURO, DARREN R. V. PETERKA, SASHA, ET AL.

17-471 CHAPMAN, TERRY R. V. BERRYHILL, ACTING COMM'R OF SSA

17-472 JABER, AHMED S., ET AL. V. UNITED STATES, ET AL.

17-487 JORDAN, GIGI V. NEW YORK

17-488 HENDRIX, KIMBERLY D. V. WAL-MART STORES, ET AL.

17-489 HAMMANN, JERALD V. WELLS FARGO BANK, ET AL.

17-496 TAYLOR, RUDOLPH D. V. VIRGINIA

17-497 WOLICKI-GABLES, LINDA, ET VIR V. DOCTORS SAME DAY SURGERY CENTER

17-536 J. D. B. V. SOUTH CAROLINA

17-545 PONIATOWSKI, PAUL V. MATAL, JOSEPH

17-559 GILLETTE, SALLY A. V. WILSON SONSINI GROUP, ET AL.

17-593 HERRMANN, JARED D. V. UNITED STATES

17-602 CARTER, LEWIS F. V. UNITED STATES

17-605 KASS, STEPHEN L. V. NEW YORK, NY, ET AL.

17-5007 ROCHELL, ARVIN D. V. LEE, EARNEST, ET AL.

17-5155 JOHNSON, ANDREW V. DISTRICT OF COLUMBIA

17-5181 SCHAFFER, GREGORY J. V. UNITED STATES

17-5423 IANNUCCI, YANN V. SWITALSKI, JUDGE

17-5634 GRANGER, BARTHOLOMEW V. TEXAS

17-5669 GASKIN, LOUIS B. V. FLORIDA

17-5678 LARGIN, JAMES S. V. ALABAMA

17-5945 LEWIS, ROSIE T. V. JOLIET POLICE DEPT., ET AL.

17-5963 WILLIAMS, LESTER J. V. VANNOY, WARDEN

17-5968 BROOKS, CHARLES A. V. BROOKS, CHARLES E.

17-5970 BALL, DENNIS A. V. MARICOPA COUNTY, AZ, ET AL.

17-5976 MARSALA, JOSEPH A. V. MARTINEZ, WARDEN

17-5985 NOGUERO, ELENA V. AMERICAN FAMILY MUTUAL INSURANCE

17-5986 POLSON, RUDOLPH V. ALABAMA, ET AL.

17-5993 BLACKKETTER, SPENCER D. V. AMSBERRY, SUPT., EASTERN OR

17-5994 ANTHONY, VERTIS V. GORDY, WARDEN

17-6001 KINNEY, PATRICK N. V. MI DOC

17-6006 BLANKS, RICHARD L. V. GRAHAM, WARDEN, ET AL.

17-6008 BRUZZONE, MICHAEL A. V. INTEL CORPORATION, ET AL.

17-6009 SALIM, MUHANNAD V. RICHARDSON, WARDEN

17-6012 MAKAU, GRACE V. MEYER, LOUISE, ET AL.

17-6016 HILTON, ERIC L. V. KELLY, SUPT., OR

17-6017 HAYES, RYAN M. V. OHIO

17-6019 DOSENBERRY, DANIEL R. V. PALMER, WARDEN

17-6024 WEST, STEPHEN M., ET AL. V. PARKER, COMM'R, TN DOC, ET AL.

17-6028 WILSON, JOHN D. V. JONES, SEC., FL DOC, ET AL.

17-6031 HALL, DENNIS V. RIVARD, WARDEN

17-6041 RUIZ, ADOLPH J. V. OREGON

17-6042 McCRARY, OLIVER V. UPS, ET AL.

17-6045 JOHNSON, VINCENT V. JENKINS, WARDEN

17-6051 SCOTT, WILLIE V. HORTON, WARDEN

17-6055 MOORE, RICKY V. SOTO, WARDEN

17-6056 NELSON, DARYL D. V. JACKSON, WARDEN

17-6080 WANT, JEROME V. FREI, STEVEN M., ET AL.

17-6096 SAUNDERS, CRAIG V. GARMAN, SUPT., ROCKVIEW, ET AL.

17-6109 WHITNUM-BAKER, LISA V. CONNECTICUT

17-6118 ROBLES, GABRIEL M. V. UNITED STATES

17-6137 ORTIZ, JOSEPH V. CLARKE, DIR., VA DOC, ET AL.

17-6144 ALLEN, MIKE V. BERRYHILL, ACTING COMM'R OF SSA

17-6159 PROUT, BRIAN V. CLARKE, SUPT., ALBION, ET AL.

17-6169 VINCENT, TODD M. V. UNITED STATES

17-6176 DOBBS, HENRY L. V. GEORGIA

17-6188 HIVES, TAAJWARR O. V. BISK EDUCATION, INC.

17-6195 GUMBS, AKEEM R. V. PENN, LOUIS

17-6212 DENHAM, ROBERT V. HORTON, WARDEN

17-6215 CARSON, ROBERT V. MISSISSIPPI

17-6264 GRANT, DOMONICK B. V. UNITED STATES

17-6294 WILLINGHAM, KADEEM V. UNITED STATES

17-6296 LARSON, CHAD A. V. PARAMO, WARDEN

17-6300 BANKS, FREDERICK V. HORNAK, MARK, ET AL.

17-6302 BAHTUOH, CHRISTOPHER D. V. MILES, WARDEN

17-6315 SURIEL, JUAN G. V. MASSACHUSETTS

17-6325 SIMMONS, JOTHAM V. BEAM, JEREMIAH, ET AL.

17-6335 MATELYAN, ARIKA V. ASCAP, ET AL.

17-6342 MOJICA, BENITO V. UNITED STATES

17-6358 RIGG, FRANZ H. V. MAIORANA, WARDEN

17-6371 BUSKEY, LAMONT L. V. UNITED STATES

17-6372 YOUNG, CARROLL A. V. UNITED STATES

17-6377 ROJO-RIVAS, LUCINA V. UNITED STATES

17-6380 SIMMONS, JASON V. UNITED STATES

17-6391 EVENSON, JOSEPH M. V. UNITED STATES

17-6401 MELENDEZ-GONZALEZ, HUGO A. V. UNITED STATES

17-6403 ZAMORA-ALONSO, MIGUEL A. V. UNITED STATES

17-6406 WEISS, JOSIAH J. V. UNITED STATES

17-6407 VALDEZ, CARLOS V. UNITED STATES

17-6409 RICO, ISMAEL V. UNITED STATES

17-6410 SMITH, RAPHEL V. UNITED STATES

17-6418 DAVILA, GLENDA V. UNITED STATES

17-6422 LANGE, ARTHUR K. V. UNITED STATES

17-6429 RHODES, JARRE J. V. UNITED STATES

17-6431 RUSSELL, JOE B. V. UNITED STATES

17-6432 KOH, JUNNE K. V. UNITED STATES

17-6436 HAMID, SALEH O. V. UNITED STATES

17-6438 FIORENTINO, HENRY V. UNITED STATES

17-6439 HOPES, ROBERT V. UNITED STATES

17-6440 GUERRERO-RODRIGUEZ, JOSE G. V. UNITED STATES

17-6441 WILLIAMS, VAN L. V. UNITED STATES

17-6443 PITTMAN, DOUGLAS G. V. UNITED STATES

17-6444 THUNDER, PATRICK B. V. UNITED STATES

17-6447 VANDERBECK, ERIC V. UNITED STATES

17-6454 FOWLER, KEN J. V. UNITED STATES

17-6455 FONTANA, ANTONIO P. V. UNITED STATES

17-6456 GARY, ELTON V. UNITED STATES

17-6464 CORNELIUS, THOMAS W. V. UNITED STATES

The petitions for writs of certiorari are denied.

17-127 KOLBE, STEPHEN V., ET AL. V. HOGAN, GOV. OF MD, ET AL.

The motion of Edwin Vieira, Jr., et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

17-257 CORDIS CORP. V. DUNSON, JERRY, ET AL.

The motion of Washington Legal Foundation for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

17-376 BROWN, LONNIE D. V. McCOLLUM, WARDEN

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

17-394 TEXAS V. HARTFIELD, JERRY

17-405 BYRD, WARDEN V. BUDDER, KEIGHTON

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

17-524 JOSEPH, MICHAEL G. V. UNITED TECHNOLOGIES, ET AL.

17-564 NOVA CHEMICALS CORP., ET AL. V. DOW CHEMICAL CO.

17-5039 BIRMINGHAM, GREGORY V. PNC BANK, N.A.

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

17-6049 CHAFE, RENEA V. FL DEPT. OF CHILDREN & FAMILIES

17-6058 WILSON, DAVID W. V. SWAN, DAVID, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8. As the petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners unless the docketing fee required by Rule 38(a) is paid and the petitions are submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

17-6107 CUEVAS, SAUL G. V. HARTLEY, WARDEN

The petition for a writ of certiorari is denied. Justice

Breyer took no part in the consideration or decision of this petition.

17-6334 WILLIAMS, JEROME V. UNITED STATES

17-6423 JOHNSON, HENRY V. UNITED STATES

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

HABEAS CORPUS DENIED

17-614 IN RE ROBERT R. SNYDER

17-6472 IN RE JEFFREY A. WEEKLEY

17-6513 IN RE DAVID CLUM, JR.

17-6563 IN RE GENE L. BROWN

17-6564 IN RE DEREK LUCAS

The petitions for writs of habeas corpus are denied.

REHEARINGS DENIED

16-1312 SOOBZOKOV, ASLAN T. V. LICHTBLAU, ERIC, ET AL.

16-1469 WILBORN, HAROLD L. V. MSPB

16-1516 NELSON, LEANORA V. LEVY CENTER LLC, ET AL.

16-1542 USHER, EILEEN V. PREMIER CARE NURSES OF AMERICA

16-8291 HEDMAN, KEITH O., ET UX. V. NATIONSTAR MORTGAGE, ET AL.

16-9012 MILLER, BRADLEY B. V. PLUMLEE, JUDGE, ETC., ET AL.

16-9153 SIMMS, JEFFREY A. V. UNITED HEALTH CARE

16-9350 WALLACE, CHARLES K. V. LOUISIANA, ET AL.

16-9368 SROUR, ALBERT V. MIZRAHI-SROUR, SHELLEY

16-9452 VIOLA, ANTHONY L. V. UNITED STATES

16-9467 IN RE ALLAH

16-9468 ARNOLD, JUDITH L. V. ASHWORTH, JERRY K.

16-9505 WHITE, DONALD V. O'REILLY, TIMOTHY

16-9626 STUART, GARY I. V. STUART, OLIVA

17-4 MORRIS, MEREDITH, ET VIR V. THOMPSON, MICHAEL J.

17-20 KAPLAN, ELLIOT, ET UX. V. MAYO CLINIC, ET AL.

17-33 BAILEY, CAROLYN V. ZUCKER, GOLDBERG & ACKERMAN

17-82 SHAO, LINDA V. McMANIS FAULKNER, LLP

17-5004 SKLAR, LORI J. V. CALIFORNIA BAR

17-5084 MONTANEZ, ISAAC V. CHEESECAKE FACTORY RESTAURANTS

17-5199 IN RE DAVID M. CAMPBELL

17-5337 CRUTCHFIELD, STEVEN M. V. WILLIAMSON CTY. PUBLIC DEFENDER

17-5345 KINNEMORE, SHIRLEY A. V. MOORE, MATTHEW

17-5614 SALWAN, ANGADBIR S. V. MATAL, JOSEPH

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2924 IN THE MATTER OF DENNIS J. CAMPBELL OWENS

It having been reported that Dennis J. Campbell Owens, of Kansas City, Missouri, has died, the Rule to Show Cause, issued on October 11, 2016 is discharged.

D-2973 IN THE MATTER OF JAMES A. ROBBINS

Due to mistaken identity, the order suspending James A. Robbins, of New York, New York, from the practice of law in this Court, dated May 15, 2017, is vacated and the Rule to Show Cause issued on that date is discharged.

D-2975 IN THE MATTER OF DISBARMENT OF ERIC A. KLEIN

Eric A. Klein, of New York, New York, having been suspended from the practice of law in this Court by order of May 15, 2017; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

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

D-3001 IN THE MATTER OF DISCIPLINE OF JAMES W. KENNEDY

James W. Kennedy, of Toms River, New Jersey, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3002 IN THE MATTER OF DISCIPLINE OF CRAIG MICHAEL KELLERMAN

Craig Michael Kellerman, of Eagleville, Pennsylvania, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3003 IN THE MATTER OF DISCIPLINE OF JONATHAN GREENMAN

Jonathan Greenman, of Fair Lawn, New Jersey, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3004 IN THE MATTER OF DISCIPLINE OF RAYMOND LELAND EICHENBERGER, III

Raymond Leland Eichenberger, III, of Reynoldsburg, Ohio, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3005 IN THE MATTER OF DISCIPLINE OF ANDRE MICHNIAK

Andre Michniak, of King of Prussia, Pennsylvania, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause

why he should not be disbarred from the practice of law in this Court.

D-3006 IN THE MATTER OF DISCIPLINE OF RUFUS SETH WILLIAMS

Rufus Seth Williams, of Philadelphia, Pennsylvania, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3007 IN THE MATTER OF DISCIPLINE OF ALEXANDER J. GUREVICH

Alexander J. Gurevich, of Greenwich, Connecticut, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3008 IN THE MATTER OF DISCIPLINE OF DOUGLAS ALAN WILLIS

Douglas Alan Willis, of Crest Hill, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3009 IN THE MATTER OF DISCIPLINE OF WILLIAM JAMES MEACHAM

William James Meacham, of Edwardsville, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3010 IN THE MATTER OF DISCIPLINE OF RAYMOND EDWARD CLUTTS

Raymond Edward Clutts, of Schaumburg, Illinois, is suspended from the practice of law in this Court and a rule will issue,

returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3011 IN THE MATTER OF DISCIPLINE OF RODNEY HOWARD POWELL

Rodney Howard Powell, of Clive, Iowa, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3012 IN THE MATTER OF DISCIPLINE OF ROBERT C. GRAHAM

Robert C. Graham, of Henderson, Nevada, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

SUPREME COURT OF THE UNITED STATES

UPSTATE CITIZENS FOR EQUALITY, INC., ET AL.
16–1320 *v.*
UNITED STATES, ET AL.

TOWN OF VERNON, NEW YORK
17–8 *v.*
UNITED STATES, ET AL.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Nos. 16–1320 and 17–8. Decided November 27, 2017

The petitions for writs of certiorari are denied.

JUSTICE THOMAS, dissenting from the denials of certiorari.

The Indian Reorganization Act (IRA), 48 Stat. 985, as amended, permits the Secretary of the Interior to take land into trust for individual Indians or Indian tribes. 25 U. S. C. §5108. Once land is taken into trust under the IRA, it is exempt from almost all state control. It is no longer subject to state or local taxation. *Ibid.* Local zoning and regulatory requirements do not apply. 25 CFR §1.4(a) (2017). And unless the Indian tribe consents, the State may not exercise criminal or civil jurisdiction. 25 U. S. C. §§1321(a)(1), 1322(a). The IRA thus allows the Secretary to take state land and strip the State of almost all sovereign power over it.

In 2008, the Secretary invoked the IRA to take into trust more than 13,000 acres of land in upstate New York for the Oneida Nation of New York, an Indian Tribe that descended from one of the Iroquois nations. 841 F. 3d 556, 564 (CA2 2016). Petitioners, a local government and several interested citizens from upstate New York, ask us to decide whether this use of the IRA is a constitutional

exercise of Congress' power under the Indian Commerce Clause "[t]o regulate Commerce . . . with the Indian Tribes," Art. I, §8, cl. 3. I would grant the petitions for writs of certiorari to reconsider our Indian Commerce Clause precedents.

Those precedents have acquiesced in Congress' assertion of a "plenary power to legislate in the field of Indian affairs." *Cotton Petroleum Corp.* v. *New Mexico*, 490 U. S. 163, 192 (1989). But "neither the text nor the original understanding of the [Indian Commerce] Clause supports Congress' claim to such 'plenary' power." *Adoptive Couple* v. *Baby Girl*, 570 U. S. 637, ___ (2013) (THOMAS, J., concurring) (slip op., at 4); see *United States* v. *Lara*, 541 U. S. 193, 224 (2004) (THOMAS, J., concurring in judgment); *Puerto Rico* v. *Sanchez Valle*, 579 U. S. ___, ___ (2016) (THOMAS, J., concurring in part and concurring in judgment) (slip op., at 1); *United States* v. *Bryant*, 579 U. S. ___, ___–___ (2016) (THOMAS, J., concurring) (slip op., at 3–4). Instead, as I have previously explained, the Clause extends only to "regulat[ing] trade with Indian tribes—that is, Indians who had not been incorporated into the body-politic of any State." *Adoptive Couple*, *supra,* at ___ (slip op., at 5).

Understood this way, the Indian Commerce Clause does not appear to give Congress the power to authorize the taking of land into trust under the IRA. Even assuming that land transactions are "Commerce" within the scope of the Clause, but see Natelson, The Original Understanding of the Indian Commerce Clause, 85 Denver U. L. Rev. 201, 214–215, and n. 94 (2007), many applications of the IRA do not involve trade of any kind. The IRA permits the Secretary to take into trust land that an Indian tribe *already owns*. See 25 U. S. C. §5108 (authorizing the Secretary to take into trust land acquired through "relinquishment," "gift," or "assignment"); 25 CFR §151.3 (providing that the Secretary may take land into trust

"[w]hen the tribe already owns an interest in the land"); §151.4 (providing that the Secretary may take into trust "[u]nrestricted land owned by an individual Indian or a tribe"). And in cases like these, where the tribe already owns the land, neither money nor property changes hands. Instead, title is slightly modified by adding "the United States in trust for" in front of the name of "the Indian tribe or individual Indian" who owns the land. See 25 U. S. C. §5108. This arrangement does not affect the Indian tribe's beneficial ownership of the property, and it does not afford the United States any meaningful property rights. See F. Cohen, Handbook of Federal Indian Law 997–998, 1057–1058 (2012); Prakash, Against Tribal Fungibility, 89 Cornell L. Rev. 1069, 1093–1094, and n. 152 (2004). In short, because no exchange takes place, these trust arrangements do not resemble "'trade with Indians.'" *Adoptive Couple*, *supra*, at ___ (THOMAS, J., concurring) (slip op., at 4) (quoting Natelson, *supra*, at 215–216).

Applying our precedents, the Second Circuit concluded that the Indian Commerce Clause empowered the Federal Government to take into trust the land at issue here. In so doing, it showed how far our precedents interpreting the Indian Commerce Clause have strayed from the original understanding, and how much Congress' power has grown as a result. Asserting plenary power, Congress authorized the Secretary to take 13,000 acres of New York and to declare it sovereign Oneida territory. It did so even though the land had been under New York's sovereign control for more than two centuries. *City of Sherrill* v. *Oneida Indian Nation of N. Y.*, 544 U. S. 197, 203, 221 (2005). And it did so even though restoring tribal sovereignty over the land would "'seriously burde[n] the administration of state and local governments' and would adversely affect landowners neighboring the tribal patches." *Id.,* at 220 (quoting *Hagen* v. *Utah*, 510 U. S. 399, 421

(1994)); see also 841 F. 3d, at 564.

Under our precedents, Congress has thus obtained the power to take any state land and strip the State of almost all sovereign power over it "for the purpose of providing land for Indians." 25 U. S. C. §5108. This means Congress could reduce a State to near nonexistence by taking all land within its borders and declaring it sovereign Indian territory. It is highly implausible that the Founders understood the Indian Commerce Clause, which was virtually unopposed at the founding, as giving Congress the power to destroy the States' territorial integrity. See *Adoptive Couple*, 570 U. S., at ___ (THOMAS, J., concurring) (slip op., at 9). Indeed, they would have been shocked to find such a power lurking in a Clause they understood to give Congress the limited authority "to regulate trade with Indian tribes living beyond state borders." *Ibid.*

When our precedents permit such an absurd result, something has gone seriously awry. It is time to fix our error. We should have granted certiorari to reexamine our Indian Commerce Clause precedents, instead of standing idly by as Congress, the Executive, and the lower courts stray further and further from the Constitution. I respectfully dissent from the denials of certiorari.