

SCOTUS GRANTS CLAPPER CERT, STALLS ON DETAINEE CASES

SCOTUS has just listed orders from last week's conference, where they had been discussing the handful of Gitmo cases that had petitions for cert pending. It has relisted the detainee cases, which suggests they may need a week or more to sort through their decision.

SCOTUS did, however, grant cert to *Clapper v. Amnesty*, which I wrote about [here](#) and [here](#). On its face, *Clapper* is just about the FISA Amendments Act. But it also has implications for wiretap exceptions—and, I've argued—data mining exceptions to the Fourth Amendment. In any case, SCOTUS seems interested in reversing the 2nd Circuit opinion, which had granted standing to people whose work had been chilled by the passage of the FAA. Also, as I hope to note further today, SCOTUS' *Clapper* decision may also impact the *Hedges v. Obama* ruling from last week.