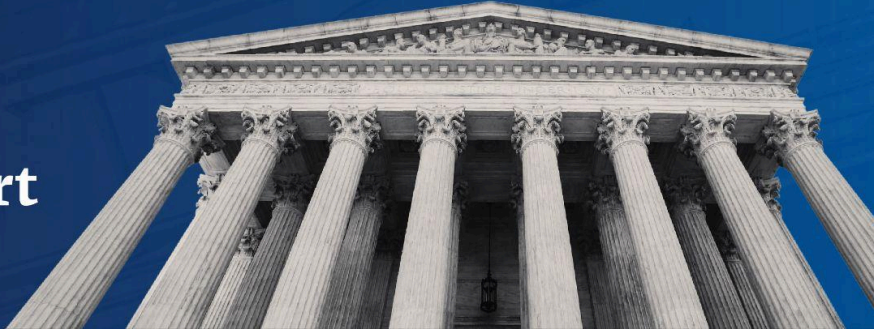




The People's Guide to the U.S. Supreme Court

Summer Update 2025



July 8, 2025

The People's Guide to the U.S. Supreme Court: Summer Update 2025

Editorial Note: This People's Guide Summer Update is published in connection with Democracy Forward's ["Democracy, the Supreme Court, and the Path Forward for People"](#) virtual town hall hosted on July 8, 2025. It is intended to help communities better understand and engage with the Court decisions that impact our lives.

Pivotal Moment

The U.S. Supreme Court has formally recessed until the Fall, though it may continue issuing rulings from the shadow docket. Americans are paying close attention, with an interest in whether the Court will act to check abuses of power and presidential overreach.

This heightened public scrutiny comes at a pivotal moment. We must confront the realities of the Court's failure in many instances to protect the rights of people and address executive power while also remembering a more hopeful truth: the Supreme Court is not the only avenue for defending and advancing our rights. Other paths remain and we must use them along with the courts to protect our rights and our democracy.

Holding Executive Power Accountable

In the United States, there is no king—or at least, there isn't supposed to be. The President, while powerful, is meant to be accountable to the people—through elections, and through the ability of individuals to go to court to defend their rights when the government overreaches.

Last term, in [Trump v. United States](#), the Supreme Court failed to place meaningful limits on executive power. "With fear for our democracy, I dissent," wrote Justice Sonia Sotomayor. There was reason to be afraid.

Since taking office, the Trump-Vance administration has taken a series of actions that harm communities, violate the Constitution, and fast-track the implementation of the deeply unpopular and dangerous [Project 2025](#).



We've responded with swift legal challenges to these unlawful and harmful efforts. While the courts alone won't save our democracy, they remain a vital part of the fight to defend it. In the United States, one of the most powerful tools people have is the ability to challenge their government in court to protect their rights. Democracy Forward works to ensure that individuals and communities can access the courts—and use every tool the Constitution provides—to defend their rights and help shape a more just and inclusive future.

We've filed more than 80 legal actions since January to check runaway executive power, including four amicus briefs with the Court. Also known as friend-of-the-court briefs, these briefs were filed on behalf of civil society organizations, members of congress, federal workers, former HHS officials, small businesses, health care providers, and patient groups. Across the country, judges—appointed by both Republican and Democratic presidents—are continuing to exercise their authority to check the administration's overreach and uphold the Constitution and the rule of law.

There have been more than [320 cases filed](#) challenging Trump-Vance administration executive actions. As of July 3, [at least 194 rulings](#) have temporarily halted various initiatives of the administration. The Supreme Court is increasingly using its “shadow docket” to [undermine](#) the relief that district courts are issuing, but not all cases are going up to the Court.

In this *Summer Update*, we review some of the major cases the Supreme Court decided this term as well as trends we are observing. It is important for all of us to understand what the Court is doing and to demand that it defend the Constitution and the American people.

We're committed to showing up in court every day to defend people's rights and opportunities to build a better future. We are here for the challenge—and even against great disappointment and concern, we will never give up on the promise of an America that lives up to its ideals. The stakes have never been higher, and the work continues.

Key Takeaways from 2024-25 SCOTUS Term

1. Shadow Docket Rulings Are on the Rise—Undermining Transparency and Enabling the Trump-Vance Administration's Lawlessness

The Supreme Court's emergency docket—often referred to as the “shadow docket”—is how the Court makes quick decisions in urgent cases. These rulings are typically issued without full briefing, public hearings, or detailed explanation. Instead of a lengthy, signed opinion, the Court often releases a brief, unsigned order. Use of the shadow docket—historically reserved for limited circumstances—proliferated during the Trump administration's first term, when the administration sought emergency relief more than [40 times](#). By comparison, such requests were made only eight times over the prior 16-year period. Increased use of the shadow docket has been [criticized by legal scholars](#) as depriving the American people of transparency in judicial



decision making and in producing decisions that are not the product of full briefing and argument. The Trump-Vance administration is already using the shadow docket almost routinely in efforts to overturn lower court rulings.

As Justice Sotomayor [noted in a recent dissent](#) from a ruling the Court issued on its shadow docket allowing the deportation of migrants to countries: "Other litigants must follow the rules, but the administration has the Supreme Court on speed dial."

The use of the shadow docket has a significant impact on the American people's rights, especially when the Court uses it to alter preliminary rulings that can remain in place for months or even years before courts reach a final resolution in the case. While some of these cases eventually return to the Supreme Court for full consideration on the merits docket, shadow docket rulings often permit the administration to move forward with its agenda in the interim.

An essential caveat is that many cases never return for full review. As a result, the emergency ruling often becomes the practical final word from the Court, leaving lower courts to parse thinly reasoned opinions to determine how to proceed. For example, in certain immigration cases, shadow docket decisions have determined the scope of enforcement powers for extended periods while full litigation continues.

2. The Supreme Court Reversed Far-Reaching Fifth Circuit Rulings

For the second year in a row, the Supreme Court has overturned several key rulings from the U.S. Court of Appeals for the Fifth Circuit—rulings that often originated from far-right legal strategies and judge-shopping. The Fifth Circuit has become a favored venue for conservative litigants seeking favorable outcomes, making it a key battleground in high-stakes legal fights.

This term, in [Kennedy v. Braidwood Management, Inc.](#), the Court reversed the Fifth Circuit's ruling in a 6-3 decision authored by Justice Kavanaugh. The decision upheld the preventative care requirements Congress mandated in the Affordable Care Act (ACA), including coverage for PrEP, a medication that prevents HIV.

In another case, [Bondi v. VanDerStok](#), the Supreme Court reversed the Fifth Circuit's decision and upheld a federal rule from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that allows the agency to regulate gun kits and unfinished gun parts. The Court found that this rule did not directly conflict with the Gun Control Act, as the lower court had claimed. This decision marks a shift from the Court's usual stance, where it has often been skeptical of both gun regulations and federal agency authority. In this case, the Court backed the government's ability to regulate dangerous loopholes in gun laws.

In a unanimous ruling, the Court also rejected the Fifth Circuit's decision in [Barnes v. Felix](#), a case concerning Fourth Amendment protections. The Court ruled that when evaluating whether



a law enforcement officer used excessive force during a stop or arrest under the Fourth Amendment, the Court should consider whether the force was deployed to be objectively reasonable through looking at the “totality of the circumstances,” rather than “at a moment of fear.” This decision is widely regarded as positive for individual rights. The Court held that the Fifth Circuit “improperly narrow[ed]” protections under the Fourth Amendment.

3. More Potential Executive Overreach Ahead

In case after case, the justices granted emergency requests that enable the Trump-Vance administration to strip protected status from people, deport noncitizens to third countries, empower the so-called “Department of Government Efficiency” (DOGE), and reinstate the ban on transgender individuals serving in the military.

Still, the Court didn’t rubber stamp every initiative. In [Trump v. J.G.G.](#), the administration invoked the Alien Enemies Act to justify the rapid removal of individuals it claimed—without due process—were part of a violent Venezuelan gang. While the Court overturned a lower court’s temporary restraining order, handing the administration a narrow procedural win, it ultimately dealt a blow to the broader agenda. The justices held that individuals detained under the Alien Enemies Act are entitled to due process, including the right to habeas petitions in federal court and to challenge both classification as “alien enemies” and the constitutionality of the Alien Enemies Act itself.

After President Trump said a federal judge who ruled against deportation orders should be impeached, Chief Justice Roberts issued a [rare statement](#), “For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose.”

While the Trump-Vance administration’s policies have loomed large in the latter half of the term on the Court’s shadow docket, the Court’s merits docket was not dominated by Trump-related actions. Of the many cases Democracy Forward and others in the pro-democracy community have been litigating since his second inauguration, relatively few have reached the Supreme Court—yet.

4. A Fair Judiciary Is Essential to Democracy

Ensuring fair and equal treatment under the law requires a judiciary that makes the rule of law accessible to all people, protecting democratic institutions and individual rights. The Court’s failure to consistently protect the rights of people (such as in decisions like [Dobbs v. Jackson Women’s Health Organization](#)) has created a crisis of its legitimacy. For the past few years, the Court’s approval ratings have been hovering around [historic lows](#) and many believe that the Court is ideologically and [politically motivated](#).



While confidence in the Supreme Court remains low, the American people continue to expect the courts to protect their rights, including the right to due process. The American people also overwhelmingly believe that the President should follow court orders: 81% of U.S. adults say that if a federal court rules that an administration action is illegal, then the [administration has to follow its ruling](#). Two-thirds of Americans [fear a constitutional crisis](#) between the Trump administration and the courts.

Court Decisions

This *Summer Update* provides information regarding some of the major decisions we tracked across a wide range of cases this term, and why these rulings matter to people. From the power of lower federal courts to hold the government accountable, to environmental protections, access to health care, digital rights, and workplace safety, the Court's rulings are reshaping how government functions and who it serves.

The Court's increased reliance on the shadow docket has profound implications for the protection of people's rights and the scope of Presidential authority. The expedited nature of these decisions, often without full briefing or oral arguments, has raised concerns about the Court. The lack of transparency and limited reasoning in many of these rulings undermine public trust and accountability in the judicial process.

Key Cases from the Term

1. Limits on Certain Nationwide Injunctions

[*Trump v. CASA, Inc.*](#)

Decision: In a 6-3 decision, the Court held that federal district courts lack authority to issue universal injunctions unless such relief is necessary to provide complete relief to the named plaintiffs. Though this case arose on the Court's emergency docket, the Court took the unusual step of hearing oral argument in mid-May and issuing a full written opinion.

Why it matters: Although the decision did not address the constitutionality of President Trump's executive order on birthright citizenship, focusing instead on the scope of federal courts' injunctive power, it can make it more difficult for a district court to block certain unlawful or unconstitutional policies nationwide. As a result, advocates, public interest legal organizations, and state attorneys general will need to seek class certification, bring claims under the Administrative Procedure Act, or file multiple lawsuits to obtain broader relief. This ruling significantly reduces a key judicial check on executive power.

2. Preventive Health Care Under the ACA

[*Kennedy v. Braidwood Management, Inc.*](#)

Decision: In a 6-3 decision, the Court rejected a constitutional challenge to the structure of the U.S. Preventive Services Task Force, the government body that issues recommendations for preventive medical services the ACA requires health insurers to cover.



at no cost to patients. [Democracy Forward filed an [amicus brief](#) on behalf of 35 of the nation's leading health organizations, who represent millions of patients with serious health conditions and hundreds of thousands of health care professionals that rely on and provide life-saving and sustaining preventive care.]

Why it matters: This decision leaves in place the Task Force's recommendation that health insurers cover PrEP, a drug that is used to prevent HIV infection, which the challengers objected to on religious grounds. Had the Court alternatively decided that the Task Force was unconstitutionally structured, critical health care for millions of Americans would have been jeopardized.

3. Access to LGBTQ+ Inclusive Curriculum in Public Schools

[Mahmoud v. Taylor](#)

Decision: In a 6-3 ruling, the Court held that it likely violates parents' religious rights for public school classrooms to read LGBTQ+ inclusive books without providing parents advance notice and the opportunity to opt their children out.

Why it matters: The majority interpreted content that affirms same-sex marriage or acknowledges the existence of transgender people as potentially harmful to children—suggesting it could pressure youth into adopting beliefs that differ from those of their parents. This marks a sharp departure from existing precedent and could open the door to broader objections—not just to books, but to inclusive curricula and policies. The decision risks enabling ideologically driven challenges to public education and weakening efforts to create welcoming, equitable learning environments for all students.

4. Health Care Access for Transgender Youth

[United States v. Skrmetti](#)

Decision: In a 6-3 decision, the Court upheld Tennessee's law banning gender-affirming medical care (i.e. puberty blockers and hormone therapy) for transgender minors, rejecting arguments that the law discriminates based on sex in violation of the Equal Protection Clause.

Why it matters: The decision allows states to restrict access to gender-affirming care for trans youth with minimal scrutiny as long as courts interpret the restrictions to be based on age and medical usage, rather than sex, marking a significant setback for LGBTQ+ rights and setting a precedent for similar laws across the country. While the Court ignored the obvious sex-based nature of the law here, it did not determine what level of scrutiny to apply to laws that directly discriminate based on transgender status, leaving that decision for a future case.

5. Access to Courts in Choice of Medical Providers

[Medina v. Planned Parenthood South Atlantic](#)

Decision: In a 6-3 ruling, the Court decided that Medicaid beneficiaries do not have the right to sue in federal court to enforce the Medicaid Act's "free choice of provider" provision. [Democracy Forward filed an [amicus brief](#) on behalf of former HHS officials arguing



Medicaid patients denied their right to choose their own healthcare provider can sue in court.]

Why it matters: This decision limits Medicaid recipients' ability to go to court to challenge states' restrictions on their choice of healthcare providers, potentially reducing access to critical services—including reproductive health care—for low-income individuals nationwide. The case arose after South Carolina decided Planned Parenthood was not a qualified health care provider for Medicaid recipients because it provides abortions, even though it uses non-Medicaid funds to do so; this holding may embolden other anti-abortion states to remove Planned Parenthood as a qualified health care provider from their own Medicaid plans, cutting off a significant source of funding and restricting low-income patients' ability to access services like cancer screenings and contraception.

6. Online Privacy and Safety

[Free Speech Coalition v. Paxton](#)

Decision: In a 6-3 decision, The Court upheld a Texas law requiring adult websites to verify users' ages before granting access to sexually explicit content, using a lower tier of scrutiny than it normally applies to laws that restrict speech.

Why it matters: While this law is ostensibly designed to protect children from harmful content, the Court's decision to apply a lower level of scrutiny paves the way for governments to restrict more online speech it finds distasteful, chilling dissenting speech and compromising user privacy along the way.

7. Regulating "Ghost Guns"

[Bondi v. VanDerStock](#)

Decision: In a 7-2 decision, the Court upheld the federal government's authority to regulate so-called "ghost guns"—homemade firearms assembled from kits—by requiring that they include serial numbers and be subject to background checks and other federal regulations under the Gun Control Act.

Why it matters: The ruling closes a major loophole in federal gun laws by ensuring that untraceable, do-it-yourself firearms are treated like other guns under the law—marking a significant step in regulating access to unregistered weapons and promoting public safety.

8. Disability Rights and Employment Benefits

[Stanley v. City of Sanford, Florida](#)

Decision: The Court ruled that retired employees cannot bring claims under Title I of the Americans with Disabilities Act (ADA) for discrimination based on cuts to post-employment benefits. Retired employees, who neither hold nor seek employment, generally cannot sue under the ADA for discrimination related to post-employment benefits. *[Democracy Forward submitted an [amicus brief](#) on behalf of the Main Street Alliance in this case explaining how excluding former employees from the protections of the ADA isn't just bad for employees—it's bad for business.]*



Why it matters: This decision narrows the ADA's protections by excluding retirees from claims of disability discrimination in post-employment benefits. It limits recourse for disabled former employees like Karyn Stanley, who experienced discriminatory reduced health insurance benefits after retirement. The ruling underscores that the ADA protects individuals in relation to their jobs—not the benefits they receive after employment ends—potentially weakening safeguards for disabled retirees and affecting how employers manage post-employment benefits.

9. Environmental Reviews Made Easier for Developers

[Seven County Infrastructure Coalition v. Eagle County, Colorado](#)

Decision: The Court ruled (8-0) that federal agencies evaluating a proposed project under the National Environmental Policy Act (NEPA) are not required to assess the environmental impacts of future or geographically separate projects that may follow. The Court also reaffirmed that NEPA gives agencies broad discretion in determining the scope of environmental reviews, and that courts must defer to those decisions.

Why it matters: This decision limits the reach of NEPA analysis, which is used to manage the development of large infrastructure projects—like pipelines, highways, and railways. It also strengthens the legal defensibility of agency-approved environmental reviews, potentially accelerating industrial development despite environmental concerns.

10. Police Use of Force and the Fourth Amendment

[Barnes v. Felix](#)

Decision: In a unanimous (9-0) decision, the Court rejected the “moment-of-threat” rule, which confines police use-of-force analysis in Fourth Amendment excessive-force cases to the exact instant an officer perceives a threat. It held that this rule improperly narrows the Fourth Amendment’s protection against unreasonable seizures by ignoring the broader context of the encounter.

Why it matters: This ruling requires courts to consider the full circumstances leading up to a police shooting—not just a split-second moment—potentially enhancing accountability for excessive force and ensuring a more comprehensive Fourth Amendment review. This case arose out of a police officer who fatally shot a driver during a routine traffic stop; with the Fifth Circuit’s artificially narrow interpretation of the Fourth Amendment now rejected, the case is remanded for reconsideration.

Major Cases from the Shadow Docket

[Trump v. American Federation of Government Employees](#)

The Court stayed two lower court decisions, potentially paving the way for the Trump-Vance administration to unconstitutionally reorganize the federal government while Democracy Forward and our co-counsel continue litigating the case. In a [blistering dissent](#), Justice Jackson wrote, “this case is about whether that action amounts to a structural overhaul that usurps Congress’s policymaking prerogatives—and it is hard to imagine deciding that question in any



meaningful way after those changes have happened. Yet, for some reason, this Court sees fit to step in now and release the President's wrecking ball at the outset of this litigation." The Court specifically did not weigh in on the legality of the agency reorganization plans themselves.

A.A.R.P. v. Trump

The Court issued a temporary injunction blocking the Trump-Vance administration from deporting Venezuelan migrants under the 1798 Alien Enemies Act. The Court emphasized that due process requires sufficient notice and a real opportunity to contest removal before deportations proceed.

Department of Homeland Security v. D.V.D.

The Court stayed a lower court's injunction, allowing the Trump-Vance administration to deport migrants to third countries without affording migrants the ability to challenge the country to which they are going to be removed under the Convention Against Torture, while this litigation proceeds. This decision raises concerns about the erosion of protections designed to afford process to people and prevent torture.

Noem v. Doe

The Court granted an emergency stay allowing the Department of Homeland Security to revoke parole and work authorizations of over 400,000 Cuban, Haitian, Nicaraguan, and Venezuelan people en masse. This decision facilitated the rapid termination of CHNV status, raising urgent humanitarian concerns.

Noem v. National TPS Alliance

The Court granted a stay to allow the Trump-Vance administration to move forward with its plan to prematurely end Temporary Protected Status (TPS) for Venezuelans while legal challenges continue. This stay affects around 350,000 Venezuelans and expands the administration's ability to revoke humanitarian protections during ongoing court proceedings.

United States v. Shilling

The Supreme Court allowed the Trump-Vance administration's ban on transgender individuals serving in the military to take effect while ongoing legal challenges continue. The Court granted the administration's request to pause a lower court's injunction as the case proceeds in the Ninth Circuit—and potentially back to the Supreme Court.

At the time of publication, one Democracy Forward case remains on the shadow docket, and could determine whether the dismantling of the Department of Education ([McMahon v. New York](#)) is allowed to proceed without congressional approval while our challenge to the decimation proceeds.



The Path Forward

At Democracy Forward, we believe the path forward is found in the people. All of us. And, this Court's most recent term has shown once again that our institutions in their current form are no silver bullet and that progress and rights must be hard fought. Our team will continue to be in court every day to protect the rights of people, to demand that our government deliver for people, and to advance a bold and inclusive democracy for people. We will do this even when the odds are hard and the challenges mount. We can strengthen our resolve by building community, being in solidarity, and finding the courage to advocate for one another. Above all, we can draw strength from our shared commitment to building a more just, inclusive future.

In the fall, we'll release our People's Guide to the 2025–2026 SCOTUS Term to spotlight major cases on the docket—explained in clear, accessible language that doesn't require a law degree to understand.

Democracy Forward Foundation is a national legal organization that advances democracy and social progress through litigation, policy, public education, and regulatory engagement. For more information, please visit www.democracyforward.org.