

A REPORTER'S GUIDE TO APPLICATIONS

Pending Before

The Supreme Court of
the United States



**A Reporter's Guide to
Applications Pending Before
The Supreme Court of the
United States**

*Prepared by the Public Information Office
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A Reporter's Guide
To Supreme Court
Procedure For Applications

An application is a request for emergency action addressed to an individual Justice. Although most applications involve routine matters such as requests for extensions of the time limit for filing papers, some—such as late night applications for a stay of execution or a restraining order in a dramatic case—draw the attention of reporters. These newsworthy applications usually concern an effort to buy time, to maintain the status quo—to stay the implementation of a lower court order—pending final action by this Court (or under certain circumstances, a lower court).

Applications are addressed to a specific Justice, according to federal judicial circuit. The United States is divided into 13 federal circuits, with each Justice assigned to a specific circuit or circuits (see page 19).

Case law has established four general criteria that the applicant normally must satisfy in order for the Court to grant a stay. They are:

1. that there is a “reasonable probability” that four Justices will grant certiorari, or agree to review the merits of the case;
2. that there is a “fair prospect” that a majority of the Court will conclude upon review that the decision below on the merits was erroneous;
3. that irreparable harm will result from the denial of the stay;
4. finally, in a close case, the Circuit Justice may find it appropriate to balance the equities, by

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