



Written by [Warren Mass](#) on October 12, 2017

Supreme Court Dismisses One of Two Trump Travel Ban Cases

The U.S. Supreme Court on October 10 dismissed one of two cases brought to it challenging President Donald Trump's ban on visitors from mostly Muslim countries where terrorists have a strong presence. In a one-page order, the court acted in one of two cases pending before the nine justices over Trump's travel ban, a case from Maryland (*Trump v. International Refugee Assistance Project*) brought by the American Civil Liberties Union, which sued to stop the ban contained in a March executive order.



However, the justices took no action on a separate case (*Trump v. Hawaii*). That case concerns both the travel ban and a separate ban on refugees, which will expire on October 24.

The High Court prefaced its decision with this explanation:

These cases involve challenges to Executive Order No. 13780, Protecting the Nation From Foreign Terrorist Entry Into the United States. The order alters practices concerning the entry of foreign nationals into the United States by, among other things, suspending entry of nationals from six designated countries for 90 days. Respondents challenged the order in two separate lawsuits.

A Reuters report noted that the justices were unanimous in deciding against ruling in the Maryland case, although one of the liberal justices, Sonia Sotomayor, noted that she would not have wiped out the Richmond-based Fourth U.S. Circuit Court of Appeals ruling. Other reports said Sotomayor stated she would have left the lower-court rulings in place and simply unwound the High Court's decision to take the case in the first place.

The Maryland court's ruling was appealed to the Fourth Circuit Court, which upheld it.

The justices had been scheduled to hear arguments in the case on October 10, but removed it from their calendar after the president's 90-day ban expired on September 24 and was replaced with a reworked ban.

In our [article on September 25](#), we reported that Trump signed a proclamation for the revised ban just hours before his previous travel ban was set to expire. The new version limits the immigrant and nonimmigrant entry into the United States from eight countries and continues the ban on immigration from five of the six countries in the previous ban: Iran, Libya, Syria, Yemen, and Somalia. It also adds three new countries to the list: Chad, North Korea, and Venezuela. The proclamation also drops one country previously named — Sudan. Furthermore, it relaxes restrictions for non-immigrant visitors from Somalia, as well as students and other exchange visitors from Iran.

These changes are set to take effect on October 18, though the restrictions on Sudan will be lifted immediately, as a result of security baselines established by the Trump administration.

We noted in that article: "Since the original order has now expired, the Court will now have to consider



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the new order. It would be surprising if one or more liberal federal judges does not issue a ruling blocking the new proclamation between now and October.”

A PBS article on October 11 confirmed our expectation, reporting: “The third and latest version of the travel ban is supposed to take full effect October 18 and already has been challenged in the courts.”

Another report from *Politico* observed that while the High Court provided no public explanation for its lack of similar treatment of the other travel ban case they previously agreed to hear — (*Trump v. Hawaii*) — it is harder to argue (as in the dismissed case from the Fourth Circuit Court) that that dispute is moot. The difference is due to the fact that (as noted earlier) the injunction issued by the judge in Hawaii covered not only the visa ban but also a 120-day halt the president ordered to the admission of refugees to the United States from across the globe.

Politico noted that the justices could simply hold that case until after the refugee halt expires on October 24, declare it moot, and issue an order similar to the one on October 10 wiping out the decision by the 9th U.S. Circuit Court of Appeals that found Trump had failed to comply with existing law in issuing his March executive order.

Some observers have expressed the opinion that the High Court’s recent moves suggest that it will step away from the controversial travel ban for now.

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