

Supreme Court

Today's ruling illustrates just how far the Court's "shadow-docket" decisions may depart from the usual principles of appellate process. ... the majority's decision is emblematic of too much of this Court's shadow docket decisionmaking — which every day becomes more unreasoned, inconsistent, and impossible to defend.

**Elena Kagan, September 1, 2021,
on the decision by Justices Alito, Barrett,
Gorsuch, Kavanaugh and Thomas to not enjoin
an unconstitutional Texas law that banned
abortions after six weeks of pregnancy
and allowed Texas to evade judicial scrutiny
by empowering bounty hunters to enforce it**