

SCOTUS 2026-2027: RELIGIOUS LIBERTY CASES TO WATCH

PETITION FOR CERTIORARI GRANTED

 <i>St. Mary Catholic Parish v. Roy</i> (No. 25-581).....	2
<i>Grand v. City of University Heights</i> (No. 25-965).....	2
<i>International Partners for Ethical Care v. Ferguson</i> (No. 25-840).....	2
<i>Missionaries of Saint John the Baptist, Inc. v. Frederic</i> (No. 25-1131)	3

PETITIONS SEEKING SUPREME COURT REVIEW

<i>Petersen v. Snohomish Regional Fire & Rescue</i> (No. 25-1210)	4
<i>Perez v. City of San Antonio</i> (No. 26-15)	4
<i>Hall v. Fleming</i> (No. 26-193)	5
 <i>Brumley v. Roake</i> (No. 25-1360) / <i>Nathan v. Alamo Heights Independent School District</i> (No. 26-257) / <i>Dier v. Landry</i> (No. 26-256).....	5
<i>Singh v. Second Judicial District Court of Nevada</i> (No. 26-157)	6
 <i>St. Dominic Academy v. Makin</i> / <i>Crosspoint Church v. Makin</i> (No. 26-157)	6

COMING UP THROUGH THE LOWER COURTS

 <i>The Lutheran Church—Missouri Synod v. Concordia University Texas</i>	7
 <i>Belya v. Metropolitan Hilarion</i>	7
 <i>General Conference of Seventh-day Adventists v. Horton</i>	8
 <i>Little Sisters of the Poor v. Commonwealth of Pennsylvania</i>	8
 <i>Rolovich v. Washington State University</i>	8
<i>Lopez v. United States</i>	9
<i>Bergin v. New York State Unified Court System</i>	9

PETITION FOR CERTIORARI GRANTED

St. Mary Catholic Parish v. Roy (No. 25-581)

Ending Colorado's religious exclusion from "universal" preschool



Colorado parents Dan and Lisa Sheley are raising their seven children in the Catholic faith. In 2022, Colorado promised families "universal" preschool funding—worth more than \$6,000 per eligible child—to use at the public, private, or faith-based preschool of their choice. The Sheleys chose the Catholic school their older children already attend. But once the program launched, Colorado denied them the benefit for one reason only: their preschooler would attend a Catholic school. Colorado's actions have left over 1,500 families like the Sheleys out in the cold simply because they want a Catholic education for their children.

Status: Oral argument will take place on November 3, 2026.

Grand v. City of University Heights (No. 25-965)

Protecting home worship from discriminatory zoning barriers

Daniel Grand is an Orthodox Jew who invited a small group of friends to pray in his home in University Heights, Ohio. Before the group even met, city officials ordered him to stop and told him that hosting the prayer gathering required a special zoning permit. Grand sued to protect his right to worship at home, but lower courts threw out his case, saying he had not gone far enough through the city's permitting process.

Status: Becket filed a [friend-of-the-court brief](#) in support of Grand on September 8, 2026. Oral argument will take place on December 9. Grand is represented by Alliance Defending Freedom and Orrick.

International Partners for Ethical Care v. Ferguson (No. 25-840)

Upholding parents' right to care for their children

Washington state requires youth shelters to hide a runaway child's whereabouts from parents when the child seeks a "gender transition," then allows state officials to steer the child toward transition services and delay any return home. When concerned parents challenged the law, lower courts said it was too early—they didn't know when their children might run away and be hidden from them. Becket's friend-of-the-court brief highlights the story of the Cox family, who lost custody of their child when state officials decided to take sides in a disagreement over gender identity.

Status: Becket filed a [friend-of-the-court brief](#) in support of International Partners on September 16, 2026. Oral argument will take place on December 7.

Missionaries of Saint John the Baptist, Inc. v. Frederic (No. 25-1131)

Protecting religious land use from zoning barriers

The Missionaries of Saint John the Baptist sought to build an outdoor Marian shrine on property next to their church in northern Kentucky. Although the local zoning board approved the project, neighboring property owners sued, and the Kentucky Supreme Court ultimately blocked the shrine. The Missionaries are asking the Supreme Court to clarify federal protections for religious institutions facing land-use restrictions.

Status: First Liberty Institute and Quinn Emanuel filed a petition for Supreme Court review in March 2026, and the Supreme Court granted the petition in October.

PETITIONS SEEKING SUPREME COURT REVIEW

Petersen v. Snohomish Regional Fire & Rescue (No. 25-1210)

Strengthening religious accommodations in the workplace

Eight Washington firefighters sought religious accommodations from a COVID-19 vaccine requirement, offering to follow alternative safety measures instead. Their fire department denied their requests and placed them on leave. After the Ninth Circuit ruled against them, the firefighters asked the Supreme Court to clarify when an employer may deny a religious accommodation based on predicted rather than actual hardship.

Status: First Liberty Institute, Williams & Connolly, Church State Council, and Jennifer W. Kennedy filed a petition for Supreme Court review in April 2026. The fire department filed its response in August, and the Supreme Court will consider the case at its September 28 conference.

Perez v. City of San Antonio (No. 26-15)

Safeguarding Native American sacred ground from destruction

Gary Perez and Matilde Torres are ceremonial leaders of the Lipan Native American Church. Like their ancestors before them, they perform religious ceremonies at a sacred bend of the San Antonio River. Perez and Torres challenged a city redevelopment project that would cut down trees and destroy essential features of the sacred site, arguing that the government cannot override their religious beliefs about where and how they must worship.

Status: First Liberty Institute and the University of Texas Law and Religion Clinic filed a petition for Supreme Court review in June 2026. The Court requested a response from San Antonio, and the petition is awaiting Supreme Court action.

Hall v. Fleming (No. 26-193)

Ending discrimination against religious college majors

Virginia offers eligible students up to \$5,250 a year in tuition assistance to attend private colleges, but excludes students pursuing certain religious degrees. Liberty University student Bethany Hall lost her grant after changing her major from Music Education to Youth Ministries and later Music & Worship. She is asking the Supreme Court to overturn *Locke v. Davey*, a 2004 decision that allowed states to exclude students studying for the ministry from generally available tuition aid.

Status: The National Legal Foundation, Claybrook LLC, Troutman Pepper Locke, First Liberty Institute, and Alliance Defending Freedom filed a petition for Supreme Court review on August 11, 2026. Virginia's response is due October 14.

Brumley v. Roake (No. 25-1360) / *Nathan v. Alamo Heights Independent School District* (No. 26-257) / *Dier v. Landry* (No. 26-256)



Defending Ten Commandments displays in public schools

Louisiana and Texas each passed laws providing for displays of the Ten Commandments in their public school classrooms. The ACLU sued to block both laws, and a Louisiana teacher brought a separate challenge to his state law. The full Fifth Circuit ruled for the states, allowing both laws to take effect. In *Nathan*, the court held that Texas's law does not violate the First Amendment because a passive display of the Ten Commandments does not resemble a Founding-era religious establishment. In *Roake*, the court emphasized that the Ten Commandments have both religious and historical significance and that there is no constitutional veto against displaying them on public property.

Status: Becket and the Louisiana Attorney General's Office filed a conditional petition for Supreme Court review in *Roake* in May 2026, asking the Court to consider the case if it agrees to hear *Nathan*. The ACLU filed a petition for Supreme Court review in *Nathan* in August. That same month, Louisiana teacher Christopher Dier filed a separate petition challenging the state law. Responses are due October 19 in *Roake* and October 28 in *Nathan* and *Dier*. All three petitions are awaiting Supreme Court action.

Singh v. Second Judicial District Court of Nevada (No. 26-157)

Keeping courts out of religious groups' internal religious decisions

In 2024, a group of former leaders of the Northern Nevada Sikh Society sued the Society over an internal religious dispute. The Nevada Supreme Court allowed their lawsuit to proceed, holding that courts could resolve the case by importing the so-called “neutral principles” approach from property law cases and using that approach to resolve disputes with religious bodies over matters of faith, doctrine, and religious governance. The Court acknowledged that courts nationwide were split on that question. The Society is now asking the U.S. Supreme Court to clarify whether this neutral-principles approach can be used beyond church property disputes to interfere with religious groups' internal religious decisions.

Status: The Society filed a petition for Supreme Court review on July 31, 2026. The Court requested a response, which is due October 22.

St. Dominic Academy v. Makin / Crosspoint Church v. Makin (No. 26-157)



Keeping courts out of religious groups' internal religious decisions

For decades, religious schools offered rural families vital education through Maine's tuition assistance program. But in 1982, the state changed its rules to bar religious schools it considered “sectarian.” Though the Supreme Court overturned this ban in 2022, Maine revised its Human Rights Law to continue excluding religious schools that uphold traditional beliefs about marriage and family. Now, while Maine funds students attending out-of-state girls' schools, it denies rural families the choice to send their children to schools like the Roman Catholic Diocese of Portland's St. Dominic Academy and Crosspoint Church's Bangor Christian School.

Status: On July 2, 2026, the First Circuit upheld Maine's restrictions preventing religious schools from participating in its tuition assistance program while maintaining their religious beliefs. Becket plans to file a petition for Supreme Court review on behalf of St. Dominic in November.

COMING UP THROUGH THE LOWER COURTS

The Lutheran Church—Missouri Synod v. Concordia University Texas

Ensuring religious groups have the final say in how they are organized and governed



Seeking to avoid its historical experiences in Europe to put its Church under state control, the Lutheran Church—Missouri Synod has—for over a century—carefully organized its ministry to keep the civil government out of its ecclesiastical affairs. But a federal court agreed with a breakaway religious school that, instead of respecting the Church’s 130-year-old structure, civil courts could reinterpret and remake the Church’s religious polity.

Status: On June 4, 2026, the Fifth Circuit reversed the lower court’s ruling, protecting the Church’s First Amendment right to organize itself according to its religious beliefs. Concordia University Texas has stated that it disagrees with the Fifth Circuit’s refusal to employ the “neutral principles” approach and has indicated it plans to seek Supreme Court review by October 7, 2026.

Belya v. Metropolitan Hilarion

Protecting churches’ freedom to hold their leaders accountable



Father Alexander Belya, a defrocked priest in the Russian Orthodox Church Outside of Russia (ROCORA), failed to become bishop after Church leaders found him unqualified and suspended him pending an internal investigation into allegations of misconduct. Rather than participate in the investigation process, Father Alexander left the Church and sued its leaders for defamation due to their investigation. ROCORA argued that the First Amendment protects churches’ freedom to select, discipline, and remove their clergy without government interference.

Status: On August 18, 2026, the Second Circuit unanimously ruled in favor of ROCORA, confirming the Church’s ability to freely discuss and decide who should be elected as bishop. The former priest has sought en banc review from the full Second Circuit and is raising a dispute over the way that the Court treated the “neutral principles” approach that he may use to seek Supreme Court review.

General Conference of Seventh-day Adventists v. Horton

Keeping the government out of religious hiring decisions



The Seventh-day Adventist Church, led by its General Conference, is a Christian denomination with over 22 million members worldwide. To ensure that the Church continues to uphold its religious mission, the General Conference requires all its employees to be faithful members of the Church. A recent change to Maryland law, however, threatens this freedom by forcing the General Conference to hire employees who might disagree with the Church's faith and religious mission. The Church sued, arguing that the government cannot dictate which employees are essential to its religious mission or force it to hire people who reject its faith.

Status: In June 2025, a federal district court ruled against the Church. Becket appealed to the Fourth Circuit on September 8, 2025, where the case is awaiting a decision.

Little Sisters of the Poor v. Commonwealth of Pennsylvania

Ending the government's decade-long crusade against Catholic nuns



For over a decade, the Little Sisters of the Poor have been prevailing in court against a federal mandate that would force them to either provide contraceptives in their healthcare plan or pay tens of millions of dollars in fines. That winning streak features two Supreme Court victories, including a 2020 ruling that upheld a federal conscience rule shielding them from the mandate. But Pennsylvania and New Jersey keep fighting in court to strip the Little Sisters of that protection.

Status: On August 13, 2025, a federal district court sided with Pennsylvania and New Jersey, issuing a nationwide ruling invalidating the religious conscience rule. Becket appealed to the Third Circuit, which heard oral argument on July 7, 2026. The case is awaiting a decision, which may set up a fourth trip to the Supreme Court for the Little Sisters.

Rolovich v. Washington State University

Tackling religious discrimination in college athletics



Nick Rolovich is a college football coach and practicing Catholic. He served as head coach of the Washington State University (WSU) Cougars for nearly two seasons, where he earned respect for his leadership, work ethic, and commitment to his players both on and off the field. In 2021, however, WSU denigrated Coach Rolovich's request for a religious exemption from a state COVID-19 vaccine mandate, choosing to fire him rather than accommodate his beliefs. The firing was part of a pre-meditated effort by the university to oust Rolovich over his religious convictions about the vaccine.

Status: In January 2025, a federal district court ruled against Rolovich. With Becket's help, Rolovich appealed to the Ninth Circuit, which heard oral argument on June 10, 2026. The case is awaiting a decision.

Lopez v. United States

Safeguarding Native American sacred land from destruction

Since time immemorial, Western Apaches and other Native peoples have gathered at Oak Flat—outside of present-day Superior, Arizona—for sacred religious ceremonies that cannot take place anywhere else. Oak Flat is listed in the National Register of Historic Places and was protected from mining and other harmful practices for seventy years. Those protections were targeted in December 2014, when a last-minute provision was slipped into a must-pass defense bill, authorizing the transfer of Oak Flat to Resolution Copper. Resolution plans to turn the site into a two-mile-wide and 1,100-foot-deep crater, ending Apache religious practice forever.

Status: A group of Apache women and girls filed a lawsuit to stop the destruction of Oak Flat, and on March 13, 2026, the Ninth Circuit ruled against them. They asked the full Ninth Circuit to reconsider the decision on April 27, and their request remains pending.

Bergin v. New York State Unified Court System

Defending religious accommodations in the workplace

Jessica Bergin, a New York court officer, was fired after her employer denied her request for a religious exemption from its COVID-19 vaccine mandate. Bergin sued and won in federal district court, but the Second Circuit overturned that decision, ruling that employees seeking religious accommodations must show that their employer's desire to avoid providing an accommodation was a motivating factor in the decision to fire them. Bergin is challenging this new standard, which makes it harder for religious employees to bring workplace accommodation claims.

Status: Bergin plans to ask the full Second Circuit to rehear the case.