

ALITO, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

UMESH KAUSHAL *v.* INDIANA

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF INDIANA, FOURTH DISTRICT

No. 17–1356. Decided June 28, 2018

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Court of Appeals of Indiana, Fourth District, for further consideration in light of *Jae Lee v. United States*, 582 U. S. \_\_\_\_ (2017).

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.

The Court grants, vacates, and remands this case in light of *Jae Lee v. United States*, 582 U. S. \_\_\_\_ (2017). But *Lee* was handed down on June 23, 2017—almost a month before the Indiana Court of Appeals issued its decision in this case. Moreover, petitioner admits that he cited and advanced arguments based on *Lee* in both his petition for rehearing before the Indiana Court of Appeals and his petition for transfer to the Indiana Supreme Court. Reply Brief 3. I would accordingly deny the petition for the reasons stated in Justice Scalia’s dissenting opinion in *Webster v. Cooper*, 558 U. S. 1039, 1040 (2009).