Per Curiam

SUPREME COURT OF THE UNITED STATES

No. 05–14

IN RE UNITED STATES APPLICATION FOR ARREST WARRANT ON TPR

ON APPLICATION FOR GROUP ARREST WARRANT

[February 27, 2018]

PER CURIAM.

The application for a group arrest warrant on the group TPR[1] is granted in accordance with the legal process set forth in the concurring opinion. See *post*, at 2 (joint opinion of HOLMES, C.J., MARSHALL, and GORSUCH, JJ.) ("we … ask whether objective information supports granting the warrant").

[1] https://www.roblox.com/groups/group.aspx?gid=731626

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CHIEF JUSTICE HOLMES, JUSTICE MARSHALL, and JUSTICE GORSUCH, joined by all other Members of the Court, concurring.

The Constitution imposes three fundamental requirements on this Court in the exercise of its power to issue group arrest warrants. "[C]harges" must exist, a "trial" must occur within "seventy two hours" of the warrant's issuance, and the charges must be "actively pursued by the federal government" for the duration of the warrant. Art. III, § 5, cl. 1, 3. After extensive deliberation and in consideration of the nature of relief authorized, the Justices signing this joint opinion (the entirety of the Court) conclude the following:

First, that the remedy of a group arrest warrant is a preventive, not punitive measure. It is not intended to replace criminal prosecution, which per our holdings must occur on an individual basis (or consistent with lawful rules of joinder). See, *e.g.*, *CodyGamer100* v. *United States*, 2 U. S. 18 (2017). Thus, in the context of group arrest warrant proceedings, the "charges" required are not *criminal* charges—or, for lack of a better term, "Title 18" charges—but rather factual allegations which tend to show a need for preventive relief. These allegations must adequately demonstrate that the actions of group members are not isolated incidents, but rather part of some organized effort on the group's part to

harm the peace of the United States and her cities.

Second, that in determining whether to grant the government's application for a warrant, we should consider that the affected group will not be able to defend itself against the charges until the "trial" opportunity occurring within 72 hours. Therefore, we should subject the government's allegations to appropriate scrutiny: specifically, we should ask whether objective information supports granting the warrant.

Third, that the "trial" demanded by the Constitution is an opportunity for the affected group to challenge the quality of the charges presented by the government. Provided that having reached this stage of proceedings we would have already determined that objective information supported granting the warrant, the onus would be on the group to demonstrate why that is not the case. We should accord the group the benefit of all inferences.

Fourth, and finally, that if after the trial we resolve to maintain the warrant, we should request the government provide an estimate of how much longer the warrant will be necessary as a preventive measure; we should accommodate that estimation to the maximum extent objective information permits. The government may withdraw charges at any time during that period and we should thereupon dismiss the warrant. If the government determines the warrant will be needed longer, it may petition us to extend the warrant.

These conclusions are limited only to the context of group arrest warrants.