

Circuit Court of Appeals Opinions Analyzing and Applying *Chevron* in 2020-2021

This is an empirical dataset used in the Cato Institute and Liberty Justice Center’s amicus brief in support of the petition for writ of certiorari in *Loper Bright Enterprises v. Raimondo*. Cases from January 1, 2020 through December 31, 2021 were compiled by Cato Legal Associate, Isaiah McKinney. Cases were limited to those that mentioned *Chevron* at least 4 times, discussed it in the majority, and analyzed whether to apply *Chevron*. The data excludes cases that applied *Auer/Kisor* deference rather than *Chevron* and cases that were decided without addressing whether *Chevron* applied. The data is also limited to reported cases. Each case was only counted once, even if it contained multiple statutory interpretations. Controlling weight for this study was given to the interpretation where the court deferred to the agency.

Case	Was an exception applied?	Agency Win/Lose?	At which Step did the agency win/lose?	Why?
Nat'l Wildlife Fed'n v. Sec'y of the United States DOT, 960 F.3d 872 (6th Cir. 2020)	Yes— <i>Mead</i> and force of law.	Win	<i>De novo</i>	Agency’s interpretation did not have the force of law and was not entitled to <i>Chevron</i> deference. But the agency’s interpretation was correct anyway.
Hall v. United States Dep’t of Agric., 984 F.3d 825 (9th Cir. 2020)	Yes— <i>Mead</i> and force of law.	Win	<i>De novo</i>	The court did not decide if <i>Skidmore</i> was applicable because the agency’s interpretation was the proper interpretation of the statute <i>de novo</i> .
Cargill v. Garland, 20 F.4th 1004 (5th Cir. 2021)	No	Win	<i>De novo</i>	Court independently determined that the agency’s interpretation was the best interpretation, so the court did not decide whether deference was applicable.
Wilson v. United States, 6 F.4th 432 (2d Cir. 2021)	Yes— <i>Mead</i> and force of law.	Win	<i>De novo</i>	Even if <i>Chevron</i> applied, statute was unambiguous. Case’s posture was unique, because the plaintiff was arguing <i>Chevron</i> should apply to an agency manual.
New York v. United States DOJ, 951 F.3d 84 (2d Cir. 2020)	Yes—Waiver.	Win	<i>De novo</i>	Applied <i>de novo</i> review and determined that the statute allowed the challenged agency action.

A.A. v. AG of the United States, 973 F.3d 171 (3d Cir. 2020)	Yes—Unpublished opinion.	Win	<i>Skidmore</i>	The agency's decision was unpublished, and <i>Skidmore</i> persuasive deference was the most the court could apply. The court determined that the agency's interpretation was correct under the plain meaning of the statute.
Env't Integrity Project v. United States EPA, 969 F.3d 529 (5th Cir. 2020)	No	Win	<i>Skidmore</i>	Rather than deciding if the statute was ambiguous, the court deferred under <i>Skidmore</i> and held the agency's interpretation of the statute was persuasive.
Larson v. Saul, 967 F.3d 914 (9th Cir. 2020)	Yes— <i>Mead</i> and force of law.	Win	<i>Skidmore</i>	Agency's interpretation did not receive <i>Chevron</i> deference because it did not have the force of law under <i>Mead</i> . But the interpretation was reasonable and persuasive under <i>Skidmore</i> .
Nat'l Parks Conservation Ass'n v. FERC, 6 F.4th 1044 (9th Cir. 2021)	Yes— <i>Mead</i> and force of law.	Win	<i>Skidmore</i>	Agency's interpretation was reasonable and persuasive.
Orellana v. Barr, 967 F.3d 927 (9th Cir. 2020)	Yes— <i>Chevron</i> was not available unless the agency interpreted the statute at issue.	Win	<i>Skidmore</i>	Agency's prior decision did not interpret the statute at issue, so it did not receive <i>Chevron</i> deference. But the interpretation was entitled to and survived <i>Skidmore</i> deference.
Tex. Ass'n of Mfrs. v. United States Consumer Prod. Safety Comm'n, 989 F.3d 368 (5th Cir. 2021)	No	Win on this specific issue (lose overall)	Step 1	Statute was clear, and the agency's interpretation was correct.
Mayo Clinic v. United States, 997 F.3d 789 (8th Cir. 2021)	No	Win	Step 1	Statute was unambiguous, and the agency's interpretation was mostly correct.
Ali v. Barr, 951 F.3d 275 (5th Cir. 2020)	No	Win	Step 1	Agency's interpretation was a correct reading of the plain text.
Autauga Cty. Emergency Mgmt. Commun. Dist. v. FCC, 17 F.4th 88 (11th Cir. 2021)	No	Win	Step 1	Statute was unambiguous, and the agency's interpretation was in accord with the statute.
BBX Capital v. Fed. Deposit Ins. Corp, 956 F.3d 1304 (11th Cir. 2020)	No	Win	Step 1	Statute was unambiguous, and the agency's interpretation was within the plain meaning of the text.
Chudik v. Hirshfeld, 987 F.3d 1033 (Fed. Cir. 2021)	No	Win	Step 1	Statute was unambiguous, and the agency's interpretation was the best.

Corrigan v. Haaland, 12 F.4th 901 (9th Cir. 2021)	No	Win	Step 1	Statute was unambiguous, and the agency's interpretation was correct.
Hincapie-Zapata v. United States AG, 977 F.3d 1197 (11th Cir. 2020)	No	Win	Step 1	Statute was unambiguous, and the agency's interpretation was correct.
Kientz v. Comm'r, SSA, 954 F.3d 1277 (10th Cir. 2020)	No	Win	Step 1	Statute was unambiguous.
Li v. DOJ, 947 F.3d 804 (Fed. Cir. 2020)	No	Win	Step 1	Statute was unambiguous.
Mirza v. Garland, 996 F.3d 747 (5th Cir. 2021)	No	Win	Step 1	Statute was unambiguous, and the agency's reading of the statute was correct.
Schreiber v. Cuccinelli, 981 F.3d 766 (10th Cir. 2020)	No	Win	Step 1	Statute was unambiguous, and the agency's interpretation was correct.
Solorzano v. Mayorkas, 987 F.3d 392 (5th Cir. 2021)	No	Win	Step 1	Statute was unambiguous, and agency's interpretation was correct.
Uniloc 2017 LLC v. Hulu, LLC, 966 F.3d 1295 (Fed. Cir. 2020)	No	Win	Step 1	Statute was unambiguous.
S. Furniture Leasing, Inc. v. YRC, Inc., 989 F.3d 1141 (10th Cir. 2021)	No	Win	Step 1	Agency's interpretation was based in the plain meaning of the statute, so it was correct, and no level of deference was needed. <i>Skidmore</i> was not necessary.
Am. Lung Ass'n v. EPA, 450 U.S. App. D.C. 385, 985 F.3d 914 (D.C. Cir. 2021)	No	Win	Step 1	Court did not need to decide if <i>Chevron</i> applied to reconciling conflicting versions of a statute (Stat. at Large v. U.S.C.), because the text was clear and the court reached the same conclusion as the agency.
Cabada v. AG of the United States, 971 F.3d 165 (3d Cir. 2020)	No	Win (in the application of <i>Chevron</i>)	Step 2	Precedent deferred to the agency's definition, and the court deferred and applied precedent's definition. But the agency lost when the definition was applied.
Lambert v. Saul, 980 F.3d 1266 (9th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
NRDC, Inc. v. United States EPA, 961 F.3d 160 (2d Cir. 2020)	No	Win	Step 2	Two of three regulations were reasonable interpretations, but one was not.
Chacon v. Wilkinson, 988 F.3d 1131 (9th Cir. 2021)	No	Win	Step 2	Agency's interpretation was persuasive and would win whether <i>Skidmore</i> or <i>Chevron</i> was applied. The interpretation "fit" within the statute.

N.Y. State Dep't of Env'tl. Conservation v. FERC, 991 F.3d 439 (2d Cir. 2021)	Yes— <i>Chevron</i> was not available if the agency does not administer the statute.	Win	Step 2	Agency sought deference for interpretations of multiple statutes, and it was given deference for its interpretation of the statute it administered since its interpretation was reasonable.
Pharaohs GC, Inc. v. United States SBA, 990 F.3d 217 (2d Cir. 2021)	No	Win	Step 2	Statute was unambiguous, and the agency would also have won under Step 2.
Yanez-Pena v. Barr, 952 F.3d 239 (5th Cir. 2020)	No	Win	Step 2	Court agreed with the agency's interpretation, but even if the court had not, it would have deferred under Step 2.
Birhanu v. Wilkinson, 990 F.3d 1242 (10th Cir. 2021)	No	Win	Step 2	For the first issue, the Court determined that agency's interpretation was correct under the statute. For the second issue, the interpretation was reasonable under <i>Chevron</i> .
AHA v. Azar, 448 U.S. App. D.C. 186, 964 F.3d 1230 (D.C. Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
AHA v. Azar, 448 U.S. App. D.C. 425, 967 F.3d 818 (D.C. Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable and within statutory bounds.
Aleutian Capital Partners, LLC v. Scalia, 975 F.3d 220 (2d Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Alvarado-Herrera v. Garland, 993 F.3d 1187 (9th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Aposhian v. Barr, 958 F.3d 969 (10th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable
Bahr v. Regan, 6 F.4th 1059 (9th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Baptist Mem'l Hosp. - Golden Triangle, Inc. v. Azar, 956 F.3d 689 (5th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Baystate Franklin Med. Ctr. v. Azar, 445 U.S. App. D.C. 213, 950 F.3d 84 (D.C. Cir. 2020)	No	Win	Step 2	Agency's interpretation was permissible.
Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Brathwaite v. Garland, 3 F.4th 542 (2d Cir. 2021)	No	Win	Step 2	Court deferred to agency's unpublished decision to the extent the decision relied on a binding published BIA decision. Agency's

				interpretation was reasonable.
Buffington v. McDonough, 7 F.4th 1361 (Fed. Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
California v. Azar, 950 F.3d 1067 (9th Cir. 2020)	No	Win	Step 2	Statute was ambiguous and agency's interpretation was reasonable.
CASA de Md., Inc. v. Trump, 971 F.3d 220 (4th Cir. 2020)	No	Win	Step 2	Agency's interpretation was within the bounds of the statute.
Changzhou Hawd Flooring Co. v. United States, 947 F.3d 781 (Fed. Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Corbett v. Transp. Sec. Admin., 455 U.S. App. D.C. 25, 19 F.4th 478 (D.C. Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable and within the bounds of the statute.
Diaz-Reynoso v. Barr, 968 F.3d 1070 (9th Cir. 2020)	No	Win	Step 2	Agency's interpretation was not arbitrary or capricious, which means it was reasonable.
Fisher v. Pension Benefit Guar. Corp., 452 U.S. App. D.C. 49, 994 F.3d 664 (D.C. Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Garcia v. Barr, 969 F.3d 129 (5th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Great Lakes Commun. Corp. v. FCC, 453 U.S. App. D.C. 170, 3 F.4th 470 (D.C. Cir. 2021)	No	Win	Step 2	Agency's interpretation was permissible.
Greenberg v. Commissioner, 10 F.4th 1136 (11th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Huawei Techs. USA, Inc. v. FCC, 2 F.4th 421 (5th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Int'l Bhd. of Teamsters, Local 2785 v. Fed. Motor Carrier Safety Admin., 986 F.3d 841 (9th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Kiewit Power Constructors Co. v. Sec'y of Labor, 447 U.S. App. D.C. 18, 959 F.3d 381 (D.C. Cir. 2020)	No	Win	Step 2	Agency's interpretation was permissible.
Mass. Dep't of Telecomms. & Cable	No	Win	Step 2	Agency's interpretation was reasonable.

v. FCC, 983 F.3d 28 (1st Cir. 2020)				
Northport Health Servs. of Ark., LLC v. United States HHS, 14 F.4th 856 (8th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Ortega-Lopez v. Barr, 978 F.3d 680 (9th Cir. 2020)	No	Win	Step 2	Court deferred to agency's published decision because it was reasonable.
Outdoor Amusement Bus. Ass'n v. Dep't of Homeland Sec., 983 F.3d 671 (4th Cir. 2020)	No	Win	Step 2	The agency had implied delegated power to rulemake and its rules were within the bounds of the statute.
Overdevest Nurseries, L.P. v. Walsh, 453 U.S. App. D.C. 25, 2 F.4th 977 (D.C. Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Pac. Choice Seafood Co. v. Ross, 976 F.3d 932 (9th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Rodriguez v. Barr, 975 F.3d 188 (2d Cir. 2020)	No	Win	Step 2	Court adopted the interpretation it applied in earlier cases deferring to the agency's prior decisions.
Romero v. Sec'y, U.S. Dep't of Homeland Sec., 20 F.4th 1374 (11th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Route v. Garland, 996 F.3d 968 (9th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Safaryan v. Barr, 975 F.3d 976 (9th Cir. 2020)	No	Win	Step 2	The agency's prior decision was entitled to deference since it was reasonable.
Scarlett v. Barr, 957 F.3d 316 (2d Cir. 2020)	No	Win	Step 2	The attorney general's decision was entitled to deference since it was reasonable.
Seminole Nursing Home, Inc. v. Commissioner, 12 F.4th 1150 (10th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
Seyi Muyiwa Adeeko v. Garland, 3 F.4th 741 (5th Cir. 2021)	No	Win	Step 2	Court deferred to a prior BIA decision interpreting the statute, because other precedents deferred to that interpretation.
Stand Up for Cal.! v. United States DOI, 959 F.3d 1154 (9th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Texas v. United States EPA, 983 F.3d 826 (5th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Tovar v. Zuchowski, 950 F.3d 581 (9th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.

Trejo v. Garland, 3 F.4th 760 (5th Cir. 2021)	No	Win	Step 2	Court implicitly agreed the agency's interpretation was reasonable by citing to prior precedent deferring to the agency's interpretation.
Upper Mo. Waterkeeper v. United States EPA, 15 F.4th 966 (9th Cir. 2021)	No	Win	Step 2	Agency's interpretation was reasonable.
USF Fed. Credit Union v. Gateway Radiology Consultants, P.A. (In re Gateway Radiology Consultants, P.A.), 983 F.3d 1239 (11th Cir. 2020)	No	Win	Step 2	Agency's interpretation was reasonable.
Wambura v. Barr, 980 F.3d 365 (4th Cir. 2020)	No	Win	Step 2	Court deferred to the agency's decision because it was reasonable.
Zarate-Alvarez v. Garland, 994 F.3d 1158 (10th Cir. 2021)	No	Win	Step 2	Prior agency's decisions were rational interpretations of the statute, so the court deferred to them.
Santana v. Barr, 975 F.3d 195 (2d Cir. 2020)	No	Win	Step 2	Interpretation in the agency's published decision was reasonable.
Hays Med. Ctr. v. Azar, 956 F.3d 1247 (10th Cir. 2020)	No	Win	Step 2	Agency waived <i>Chevron</i> by not actually arguing through the two step standard. But since reasonableness under <i>Chevron</i> Step 2 is akin to the arbitrary/capricious analysis, it does not impact the statutory interpretation. The Court determined the agency's interpretation was not arbitrary and capricious.
Cigar Ass'n of Am. v. United States FDA, 453 U.S. App. D.C. 339, 5 F.4th 68 (D.C. Cir. 2021)	No	Win	Step 2	Court deferred to the agency's interpretation in the first issue since the interpretation was not arbitrary and capricious. For the second issue, the agency's interpretation was correct, but even if the statute was ambiguous, the agency's interpretation was reasonable.
Gun Owners of Am., Inc. v. Garland, 992 F.3d 446 (6th Cir. 2021)	Yes— <i>Chevron</i> does not apply to criminal cases.	Lose	<i>De novo</i>	Agency did not receive deference because it was interpreting a criminal statute.

Allegheny Def. Project v. FERC, 448 U.S. App. D.C. 1, 964 F.3d 1 (D.C. Cir. 2020)	Yes—No statutory authority.	Lose	<i>De novo</i>	The statute being interpreted was jurisdictional, and it did not delegate authority to administer the statute. Jurisdictional interpretations do not receive <i>Chevron</i> . Under <i>de novo</i> review, the agency's interpretation was wrong.
Estate of Maglioli v. All. HC Holdings LLC, 16 F.4th 393 (3d Cir. 2021)	Yes—Agency was not delegated authority to interpret the statute. No <i>Skidmore</i> either.	Lose	<i>De novo</i>	Agency was not entitled to deference since it was not given authority to interpret statute.
De Jesus Rosa v. AG United States, 950 F.3d 67 (3d Cir. 2020)	Yes—Statute was not in the agency's area of expertise.	Lose	<i>De novo</i>	The court could not defer to the agency's interpretation because it was outside of the agency's expertise, and the court interpreted the term independently.
Texas v. Biden, 20 F.4th 928 (5th Cir. 2021)	Yes—Waiver.	Lose	<i>De novo</i>	Agency waived <i>Chevron</i> by not raising it in its brief, and the court reviewed the agency's interpretation independently.
Walcott v. Garland, 21 F.4th 590 (9th Cir. 2021)	Yes—no deference is given to a general definition that is not particularized.	Lose	Interpretation of the term was too generalized to receive deference.	Agency's interpretation was too broad to be deferred to.
N.Y. Stock Exch. LLC v. SEC, 447 U.S. App. D.C. 281, 962 F.3d 541 (D.C. Cir. 2020)	Yes—no delegation of rulemaking authority.	Lose	No delegated rulemaking authority.	Agency was not delegated power to adopt the rule, and no deference was due.
Quintero v. Garland, 998 F.3d 612 (4th Cir. 2021)	Yes—agency's decision was unpublished and nonprecedential, thus not earning <i>Chevron</i> deference.	Lose	<i>Skidmore</i>	Agency abused its discretion under <i>Skidmore</i> -like review.
Tomezyk v. Wilkinson, 987 F.3d 815 (9th Cir. 2021)	Yes— <i>Mead</i> .	Lose	<i>Skidmore</i>	Agency did not request deference and court would not defer because interpretation was not intended as lawmaking under <i>Mead</i> . Agency's interpretation was unpersuasive under <i>Skidmore</i> .
Renewable Fuels Ass'n v. United States EPA, 948 F.3d 1206 (10th Cir. 2020)	Yes— <i>Mead</i>	Lose	<i>Skidmore</i>	The agency's interpretation was analyzed under <i>Skidmore</i> instead of <i>Chevron</i> because informal adjudications are evaluated under <i>Skidmore</i> . Agency's interpretation was not convincing.
Perez v. Cuccinelli, 949 F.3d 865 (4th Cir. 2020)	Yes— <i>Mead</i> force of law.	Lose	<i>Skidmore</i>	The agency's interpretation was not persuasive—no deference under <i>Skidmore</i> .

Flores v. Garland, 3 F.4th 615 (4th Cir. 2021)	Yes—Agency decisions that were issued by a single member and were nonprecedential are not entitled to <i>Chevron</i> deference.	Lose	<i>Skidmore</i> -like deference	Agency's decision was not thorough nor reasonable. Failed at a <i>Skidmore</i> -like persuasive difference.
Changzhou Trina Solar Energy Co. v. United States, 975 F.3d 1318 (Fed. Cir. 2020)	No	Lose on that issue	Step 1	Statute was unambiguous. Beyond that, agency's counsel's interpretation did not receive deference.
Eagle Pharm., Inc. v. Azar, 445 U.S. App. D.C. 447, 952 F.3d 323 (D.C. Cir. 2020)	No	Lose	Step 1	Statute was unambiguous.
La. Env'tl. Action Network v. EPA, 446 U.S. App. D.C. 283, 955 F.3d 1088 (D.C. Cir. 2020)	No	Lose	Step 1	Statute was unambiguous.
Empire Health Found. v. Azar, 958 F.3d 873 (9th Cir. 2020)	No	Lose	Step 1	Statutory language had been held prior to be unambiguous.
DV Diamond Club of Flint, LLC v. SBA, 960 F.3d 743 (6th Cir. 2020)	No	Lose	Step 1	Statute was unambiguous.
E. Bay Sanctuary Covenant v. Barr, 964 F.3d 832 (9th Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation was contrary to the statute. The court held this independently of <i>Chevron</i> as well as if the court applied <i>Chevron</i> .
Sky-Med, Inc. v. FAA, 965 F.3d 960 (9th Cir. 2020)	No	Lose	Step 1	Statute was unambiguous.
Gulf Fishermens Ass'n v. Nat'l Marine Fisheries Serv., 968 F.3d 454 (5th Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation was not in accord with the text.
New York v. United States Dep't of Homeland Sec., 969 F.3d 42 (2d Cir. 2020)	No	Lose	Step 1	Statute was unambiguous and agency's interpretation violated it.
Gallardo v. Barr, 968 F.3d 1053 (9th Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation contradicted it.
Citizens for Responsibility & Ethics in Wash. v. FEC, 449 U.S. App. D.C. 209, 971 F.3d 340 (D.C. Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation conflicted with it.

New York v. Nat'l Highway Traffic Safety Admin., 974 F.3d 87 (2d Cir. 2020)	No	Lose	Step 1	Statute was unambiguous. Deference was also not applicable because the agency did not have expertise in or authority to administer the statute. Also, the agency's interpretation lacked the force of law.
Bloom v. Azar, 976 F.3d 157 (2d Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and <i>Chevron</i> or <i>Skidmore</i> deference was not necessary to decide the case.
Velasquez v. Barr, 979 F.3d 572 (8th Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation was incorrect.
Cuthill v. Blinken, 990 F.3d 272 (2d Cir. 2021)	No	Lose	Step 1	Court declined to apply <i>Chevron</i> because the statute was unambiguous.
Tiger Lily, LLC v. United States HUD, 992 F.3d 518 (6th Cir. 2021)	No	Lose	Step 1	Agency did not request <i>Chevron</i> deference, but the statute was unambiguous, and the agency's interpretation was wrong.
Hylton v. United States AG, 992 F.3d 1154 (11th Cir. 2021)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation was incorrect.
E. Bay Sanctuary Covenant v. Garland, 994 F.3d 962 (9th Cir. 2021)	No	Lose	Step 1	Agency did not request <i>Chevron</i> deference, but the statute was unambiguous, and agency's interpretation was not in accord with law.
Genus Med. Techs. LLC v. United States FDA, 452 U.S. App. D.C. 16, 994 F.3d 631 (D.C. Cir. 2021)	No	Lose	Step 1	Statute was unambiguous, and the agency's interpretation conflicted with it.
Am. Fuel & Petrochemical Mfrs. v. EPA, 453 U.S. App. D.C. 73, 3 F.4th 373 (D.C. Cir. 2021)	No	Lose	Step 1	Statute's plain text was clear, and agency's interpretation was contrary to it.
Judge Rotenberg Educ. Ctr., Inc. v. United States FDA, 453 U.S. App. D.C. 90, 3 F.4th 390 (D.C. Cir. 2021)	No	Lose	Step 1	Statute was unambiguous, and it precluded the agency's interpretation.
Military-Veterans Advocacy v. Sec'y of Veterans Affairs, 7 F.4th 1110 (Fed. Cir. 2021)	No	Lose	Step 1	Agency's interpretation was contrary to the unambiguous statute.

Peltier v. Charter Day Sch., Inc., 8 F.4th 251 (4th Cir. 2021)	No	Lose	Step 1	The regulation may not have carried the force of law, but either way, the statute was unambiguous and agency's interpretation conflicted with it.
Nat'l Ass'n of Mfrs. v. Dep't of the Treasury, 10 F.4th 1279 (Fed. Cir. 2021)	No	Lose	Step 1	Statute was unambiguous, and the agency's interpretation conflicted with it.
Bais Yaakov of Spring Valley v. ACT, Inc., 12 F.4th 81 (1st Cir. 2021)	No	Lose	Step 1	Statute was unambiguous, and the plaintiff's reliance on the agency's prior construction of the statute was wrong.
Diaz-Rodriguez v. Garland, 12 F.4th 1126 (9th Cir. 2021)	No	Lose	Step 1	Statute was unambiguous and precluded agency's interpretation.
Catalyst Pharm., Inc. v. Becerra, 14 F.4th 1299 (11th Cir. 2021)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation contradicted the statute.
Hyundai Steel Co. v. United States, 19 F.4th 1346 (Fed. Cir. 2021)	No	Lose	Step 1	Statute was unambiguous and agency's interpretation was wrong.
Facebook, Inc. v. Windy City Innovations, LLC, 973 F.3d 1321 (Fed. Cir. 2020)	No	Lose	Step 1	Statute was unambiguous.
Blanca Tel. Co. v. FCC, 991 F.3d 1097 (10th Cir. 2021)	Yes—agency was not charged with administering the statute.	Lose	Step 1	Agency was not tasked with administering one of the statutes at issue, so the agency's interpretation was not given deference. For the other, the statute was unambiguous.
Da Silva v. AG United States, 948 F.3d 629 (3d Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and the agency's interpretation was incorrect.
Tovar v. Zuchowski, 982 F.3d 631 (9th Cir. 2020)	No	Lose	Step 1	Statute was unambiguous, and agency's interpretation was incorrect.
Truck Trailer Mfrs. Ass'n v. EPA, 454 U.S. App. D.C. 467, 17 F.4th 1198 (D.C. Cir. 2021)	No	Lose	Step 1	Statute was unambiguous.
Peters v. Barr, 954 F.3d 1238 (9th Cir. 2020)	No	Lose	Step 2	Depending on how broad the statute was read, either the statute was unambiguous or the agency's interpretation was unreasonably narrow.

E. Bay Sanctuary Covenant v. Trump, 950 F.3d 1242 (9th Cir. 2020)	No	Lose	Step 2	Agency's interpretation conflicted with statutory intent (step 1), and interpretation was unreasonable (step 2).
UPS v. Postal Regulatory Comm'n, 446 U.S. App. D.C. 233, 955 F.3d 1038 (D.C. Cir. 2020)	No	Lose	Step 2	Agency did not receive deference because the interpretation was unreasonable. It was also arbitrary and capricious.
Maryland v. EPA, 446 U.S. App. D.C. 405, 958 F.3d 1185 (D.C. Cir. 2020)	No	Lose	Step 2	Agency's interpretation was unreasonable.
Nasdaq Stock Mkt., LLC v. SEC, 447 U.S. App. D.C. 116, 961 F.3d 421 (D.C. Cir. 2020)	No	Lose	Step 2	<i>Chevron</i> may not apply because multiple agencies interpreted the statute, but even if <i>Chevron</i> applied the interpretation was unreasonable.
Cook Cty. v. Wolf, 962 F.3d 208 (7th Cir. 2020)	No	Lose	Step 2	Interpretation was not within the bounds of the statute.
Merck & Co., Inc. v. United States HHS, 447 U.S. App. D.C. 271, 962 F.3d 531 (D.C. Cir. 2020)	No	Lose	Step 2	The court declined to decide whether the statute was unambiguous because the agency's interpretation was unreasonable.
Mayor of Balt. v. Azar, 973 F.3d 258 (4th Cir. 2020)	No	Lose	Step 2	Agency's interpretation was impermissible under the statute.
Amaya v. Rosen, 986 F.3d 424 (4th Cir. 2021)	No	Lose	Step 2	Agency's interpretation was unreasonable. Court did not decide if <i>Chevron</i> actually should apply, because even if it did, the agency's interpretation was unreasonable.
Sierra Club v. EPA, 455 U.S. App. D.C. 155, 21 F.4th 815 (D.C. Cir. 2021)	No	Lose	Step 2	Agency's interpretation was unreasonable.
Shazi v. Wilkinson, 988 F.3d 441 (8th Cir. 2021)	No	Lose	Step 2	Agency's interpretation was arbitrary and capricious, thus being unreasonable and failing Step 2.
E. Bay Sanctuary Covenant v. Biden, 993 F.3d 640 (9th Cir. 2021)	No	Lose	Step 2	Agency's interpretation was arbitrary and capricious, thus being unreasonable and failing Step 2.
Friends of Animals v. Haaland, 997 F.3d 1010 (9th Cir. 2021)	No	Lose	Step 2	Agency's interpretation was impermissible.
Sauceda v. Garland, 9 F.4th 1146 (9th Cir. 2021)	No	Lose	Step 2	Agency's interpretation was unreasonable.

Singh v. AG of the United States, 12 F.4th 262 (3d Cir. 2021)	No	Lose	Step 2	Agency's interpretation was arbitrary and thus unreasonable.
Ass'n of Irrigated Residents v. United States EPA, 10 F.4th 937 (9th Cir. 2021)	No	Lose	Step 2	Agency's interpretation was arbitrary and capricious and thus failed Step 2.