

THOMAS, J., concurring in judgment

**SUPREME COURT OF THE UNITED STATES**

No. 15–1500

BRIAN LEWIS, ET AL., PETITIONERS *v.*  
WILLIAM CLARKE

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF  
CONNECTICUT

[April 25, 2017]

JUSTICE THOMAS, concurring in the judgment.

I remain of the view that tribal immunity does not extend “to suits arising out of a tribe’s commercial activities conducted beyond its territory.” *Michigan v. Bay Mills Indian Community*, 572 U. S. \_\_\_\_ (2014) (dissenting opinion) (slip op., at 2); see also *Kiowa Tribe of Okla. v. Manufacturing Technologies, Inc.*, 523 U. S. 751, 764 (1998) (Stevens, J., dissenting). This suit arose from an off-reservation commercial act. *Ante*, at 3. Accordingly, I would hold that respondent cannot assert the Tribe’s immunity, regardless of the capacity in which he was sued. Because the Court reaches the same result for different reasons, I concur in its judgment.