No. 24-1296

In The Supreme Court of the United States

MCKENZIE COUNTY, NORTH DAKOTA,
Petitioner,

v.

UNITED STATES OF AMERICA AND THE DEPARTMENT OF THE INTERIOR,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

PETITIONER'S REPLY BRIEF

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QUESTION PRESENTED

Whether the finality and preclusive effect of prior judgments involving the United States' and McKenzie County's title to property can be enforced through the All Writs Act, 28 U.S.C. § 1651(a), or if a separate claim to enforce the judgments must be brought under the Quiet Title Act, 28 U.S.C. § 2409a?

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INTRODUCTION

Federal courts have the inherent power to interpret, protect, and enforce their prior orders and final judgments. Without this authority, "the judicial power would be incomplete and entirely inadequate to the purposes for which it was conferred by the Constitution." *Peacock v. Thomas*, 516 U.S. 349, 356 (1996). The All Writs Act, 28 U.S.C. § 1651(a), also grants courts the authority to issue such writs necessary to "effectuate and prevent the frustration of orders it has previously issued in its exercise of jurisdiction otherwise obtained." *Syngenta Crop Prot. Inc. v. Henson*, 537 U.S. 28, 32 (2002). This authority must extend to final judgments entered in condemnation proceedings that transfer and convey title in property or interest to property, and other proceedings in which title is quieted.

The Eighth Circuit nevertheless relied on this Court's decision in *Block v. North Dakota ex rel. Bd. of Univ. & Sch. Lands*, 461 U.S. 273 (1983) and its own decisions in cases such as *Long v. Area Manager, Bureau of Reclamation*, 236 F.3d 910 (8th Cir. 2001) to conclude that Petitioner is required to bring a Quiet Title Act, 28 U.S.C. § 2409a, claim to resolve disputes over the scope of title conveyed in condemnation judgments. App. 26a-29a. The Eighth Circuit's decision conflicts with the longstanding rule of law on finality of judgments and ignores the clear language in the 1930's Condemnation Judgments that granted Petitioner McKenzie County a 6¼ percent royalty interest in minerals for the tract of land listed therein. App. 6a-7a, 39a-41a. This same conveyance was confirmed in the final judgment entered in *McKenzie County v. Hodel*, No. A4-87-211 (D. N.D. June 24,

1991) and title to the royalty interest was quieted in Petitioner. App. 9a-10a, 47a. Quiet Title Act claims apply when there is a question over title, but not after title has been awarded or conveyed by a final judgment. 28 U.S.C. § 2409a(a).

The Eighth Circuit decision also directly conflicts with other Circuits' decisions that recognize a party cannot bring a Quiet Title Act claim to later challenge title to property that was conveyed under a condemnation judgment. *Heirs of Guerra v. United States*, 207 F.3d 763, 767 (5th Cir. 2000); *Saylor v. United States*, 315 F.3d 664, 669-70 (6th Cir. 2003); *Cadorette v. United States*, 988 F.2d 215, 222-26 (1st Cir. 1993). These Circuits recognize that a judgment entered in a condemnation proceeding enjoys finality like any other civil judgment entered by a court. *See Heirs of Guerra*, 207 F.3d at 767. And while Respondents argue these cases are inapposite, the Circuits' decisions directly address the issue of whether the Quiet Title Act can be used to circumvent a final condemnation judgment.

The Petition presents a good opportunity for the Court to resolve the conflicting Circuit case law regarding the finality of condemnation judgments and the use of the Quiet Title Act to challenge the same. It also presents an opportunity for this Court to reinforce the importance of judgments having finality and the authority of the judiciary to enforce its own judgments. As this Court has long recognized: "There is simply no principle of law or equity which sanctions the rejection by a federal court of the salutary principle of *res judicata*." *Federated Dept. Stores, Inc. v. Moitie*, 452 U.S. 394, 401 (1981).

ARGUMENT

I. Certiorari is needed to provide clarity on the use of the All Writs Act to enforce final judgments that transfer/convey title to property

Respondents insist that the only claim available to Petitioners to address the 6¼ percent royalty issue is through the Quiet Title Act because it is the only mechanism to adjudicate a dispute to title to real property where the United States claims an interest. Resp. in Opp'n at 8-10. Respondents' arguments ignore this Court's longstanding recognition of the rule of law for final judgments. *See* Pet. at 13-18.

"Once a court has decided an issue, it is 'forever settled as between the parties,'" and protects "against the 'expense and vexation attending multiple lawsuits, conserv[ing] judicial resources, and foster[ing] reliance on judicial action by minimizing the possibility of inconsistent verdicts.'" *B&B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 147 (2015) (*quoting Baldwin v. Iowa State Traveling Men's Ass'n*, 283 U.S. 522, 525 (1931), and *Montana v. United States*, 440 U.S. 147, 153-54 (1979); *see also Nevada v. United States*, 463 U.S. 110, 129 n.10 (1983). A final judgment puts an end to the cause of action, and a party cannot later renew that fight. *C.I.R. v. Sunnen*, 333 U.S. 591, 598 (1948). This Court has long recognized that "[p]ublic policy dictates that there be an end of litigation; that those who have contested an issue be bound by the result of the contest, and that matters once tried shall be considered forever settled as between the parties." *Moitie*, 452 U.S. at 401 (*quoting Baldwin*, 283 U.S. at

525). Respondents ignore this longstanding principle of law and the fact that title to the 6¼ percent royalty had already been conveyed by previous final judgments.

While the Eighth Circuit recognized that a court has the power to enforce a previous Quiet Title Act judgment under the All Writs Act or Rule 70, it did not analyze whether the 1930's Condemnation Judgments conveyed any royalty interest in public domain minerals to the Petitioner. *See* App. 17a n.10, 26a-28a. Instead, the Eighth Circuit concluded that any challenge questioning the *scope* of the 1930's Condemnation Judgments must be brought pursuant to the Quiet Title Act. App. 26a-28a. The failure of the Eighth Circuit to recognize the finality of judgments in a condemnation proceeding and the plain reading of such judgments is the heart of the conflict between this Court's prior decisions and the Eighth Circuit's decision. Pet. at 13-18.

Federal condemnation proceedings are in rem and have the effect of transferring title to real property in accordance with the terms and conditions of the final judgment. *See United States v. Carmack*, 329 U.S. 230, 235 n.2, 239 (1946). A condemnation action "founds a new title and extinguishes all previous rights." *A.W. Duckett & Co. v. United States*, 266 U.S. 149, 151 (1924). A final judgment disposes of an entire action by "adjudicating all rights, including ownership and just compensation, as well as the right to take the property." *Catlin v. United States*, 324 U.S. 229, 233 (1945). Any dispute over title to property is resolved upon the issuance of a final judgment in the condemnation proceeding. "By giving notice to all claimants to a disputed title, condemnation

proceedings provide a judicial process for securing better title against all the world than may be obtained by voluntary conveyance." *Carmack*, 329 U.S. at 239. The 1930's condemnation actions extinguished all title Petitioner had in the lands condemned and new title was established that included fee simple title in the lands described therein to the Respondents and a 6¼ percent royalty interest in the associated minerals to the Petitioner. *See* App. 39a-41a. A final determination as to title over the land and the 6¼ percent royalty interest was conclusively decided in the 1930's Condemnation Judgments.

When questions arise that affect title to land and property, it is important that once they are decided they are no longer considered open for reconsideration. *Nevada*, 463 U.S. at 129 n.10. The Eighth Circuit errored in concluding that a Quiet Title Act claim was required to determine the scope of the 1930's Condemnation Judgments, because the scope of title condemned and conveyed was already resolved during the condemnation proceedings.

The Respondents also argue that the prior 1930's Condemnation Judgments did not convey title to the 6¼ percent royalty to Petitioner, but their arguments fail for two reasons. First, Respondents attempt to read ambiguity into clear, unambiguous final judgments. As this Court recognizes, "a good rule of thumb for reading [a Court's] decision is that what they say and what they mean are one and the same." *Mathis v. United States*, 579 U.S. 500, 514 (2016). The 1930's Condemnation Judgments entered in each case stated, with some slight variations: "That the United States of America is the owner in fee simple of the *lands hereinbefore described*, subject, however, to the

rights of McKenzie County, North Dakota, to a 6¼ percent perpetual royalty in minerals which exist or may be developed *on said lands*." App. 41a, 58a-59a (emphasis added). Unless a tract was excluded, the conveyance of the 6¼ percent royalty interest to Petitioner applied to all tracts listed in the Final Condemnation Judgments. *See* App. 70a.

Second, Respondents continue to argue that Petitioner *reserved* an existing interest in the property condemned in the 1930's, and this did not include a reservation of interest in public domain minerals. Resp. in Opp'n at 11. However, this argument is foreclosed by the District Court of North Dakota's decision in *McKenzie County v. Hodel*, No. A4-87-211 (D. N.D. D. N.D. June 24 1991). In addressing the same argument, the District Court held: "The Federal Government's condemnation actions against McKenzie County in the late 1930's extinguished all title McKenzie County had in the land, including any royalty interests. New title then vested in the Federal Government and through the condemnation judgments McKenzie County received the 6¼% royalty interest." App. 60a. The 6¼ percent royalty interest was granted to Petitioner in the condemnation proceeding. Respondents never appealed and are not entitled to relitigate this issue. *See Allen v. McCurry*, 449 U.S. 90, 94-95 (1980).

The Respondents further argue that the Eighth Circuit was correct in finding that the 1991 Judgment in *McKenzie County v. Hodel* did not apply to or convey title to the 6¼ percent royalty in public domain minerals to the Petitioner. Resp. in Opp'n at 10. The Eighth Circuit recognized a court's "inherent power to enforce its judgments" (App. 17a-18a n.10 (*quoting*

Peacock, 516 U.S. at 356)) but concluded the 1991 Judgment did not apply to the public domain minerals. App. 18a-26a. The court's decision ignores the plain, unambiguous reading of the 1991 Judgment. This Court recognizes that "where the plain terms of a court order unambiguously apply . . . they are entitled to their effect." *Travelers Indem. Co. v. Bailey*, 557 U.S. 137, 150 (2009).

The 1991 Judgment clearly found that the 1930's condemnation actions "extinguished all title McKenzie County had in the land, including any royalty interests. New title then vested in the Federal Government and through the condemnation judgments McKenzie County received the 6¼% royalty interest." App. 60a. The 1991 Judgment reaffirmed the plain meaning of the 1930's Condemnation Judgments and ordered "that title to the disputed minerals (6¼% royalty) is quieted to McKenzie County." App. 60a. The disputed minerals – 6¼ percent royalty granted under the 1930's Condemnation Judgments – was quieted to Petitioner in the 1991 Judgment.

The Eighth Circuit incorrectly read ambiguity into the 1991 Judgment and dived into the record of the prior litigation. App. 20a-26a. But, in doing so, it failed to acknowledge that the Bureau of Land Management's decision challenged in that case was to void, *in its entirety*, the 6¼ percent royalty interest created by the 1930's Condemnation Judgments. *See* App. 43a-44a. A list describing tracts of land was attached to the BLM's decision only for the purpose of identifying those tracts with current oil and gas production and to which the Petitioner, at the time, was receiving a 6¼ percent royalty. App. 72a-73a.

II. Circuits are split over the need to bring a Quiet Title Act claim to resolve the scope of title condemned or conveyed in a condemnation proceeding

A conflict exists among the Circuits regarding whether the Quiet Title Act is an appropriate avenue to challenge condemnation proceedings that have gone to final judgment. Pet. at 18-23. Instead of addressing this conflict, Respondents claim that the Circuits' decisions rejecting the use of the Quiet Title Act are "inapposite" because there was no dispute over who held title to the property – title "indisputably lies with the United States." Resp. in Opp'n at 12-13. Respondents' statement ignores the fact that the plaintiffs' claims in those cases were to challenge the extent of title to the property condemned and to challenge the overall condemnation proceedings. *Heirs of Guerra*, 207 F.3d at 765-66 (Plaintiffs claimed title to mineral rights that were previously condemned.); *Saylor*, 315 F.3d at 666-67 (Plaintiffs disputed title to property condemned by the United States); *see also Cadorette*, 988 F.2d at 222-24 (Plaintiffs brought a Quiet Title Act claim to obtain their respective shares in disputed property, but such claim became moot once the United States brought an action to condemn said property.). Plaintiffs clearly disputed title to the property at issue in those previous litigations. Like those cases, the Respondents are disputing the scope of the royalty interest conveyed to Petitioner during the condemnation proceedings.

A clear conflict exists between the Eighth and Fourth Circuits' decisions and the First, Fifth, and Sixth Circuits' decisions as to whether a Quiet Title

Act claim is the appropriate avenue to challenge a final condemnation judgment. Pet. at 18-23. The Eighth Circuit's decision below concludes that challenges to the "scope or validity of a condemnation judgment" are properly brought under the Quiet Title Act. App. at 26a-28a. The Fourth Circuit similarly has held that challenges to the validity of a condemnation judgment must be brought under the Quiet Title Act. *Fulcher v. United* States, 632 F.2d 278, 284-86 (4th Cir. 1980); *Klugh v. United States*, 818 F.2d 294, 298-99 (4th Cir. 1987). In contrast, the First, Fifth, and Sixth Circuits have all held that a Quiet Title Act claim is inappropriate to challenge a condemnation proceeding because title was already conveyed and final judgment entered. *Saylor*, 315 F.3d at 669-70; *Heirs of Guerra*, 207 F.3d at 767; *Cadorette*, 988 F.2d at 222-26. In *Saylor* and *Cadorette*, the courts further explained that a Quiet Title Act claim was not appropriate because a dispute over title to land no longer remains after title is properly conveyed in a condemnation proceeding. *Saylor,* 315 F.3d at 670; *Cadorette*, 988 F.2d at 223-24. There is a clear conflict among the Circuits and Respondents fail to address it.

The Circuits have also acknowledged the conflict in their decisions. The Sixth Circuit Court in *Saylor* made it a point to not only distinguish the Fourth Circuit's decision in *Fulcher*, but to also outright disagree with the court's "suspect" reasoning for allowing a Quiet Title Act claim to challenge a condemnation action. 315 F.3d at 669-70. The First Circuit likewise felt it more "straightforward to say that we disagree with [the Fourth Circuit's] reasoning" then to "further complicate this complex area of law" by trying to distinguish the cases.

Cadorette, 988 F.2d at 225. This conflict among the Circuits is real and warrants review.

Respondents further allege that even if there was a conflict, this case would be a "poor vehicle" to resolve the conflict because it would not affect the outcome of this case. Resp. in Opp'n at 14. While Respondents take the position that title to the royalty interest was never conveyed to Petitioners under the prior 1930's Condemnation Judgments, the clear and unambiguous language in the final judgments from the 1930s and 1991 conveyed and quieted title in the royalty interest to Petitioner. *See supra* at pp. 5-7; Pet. at 4-5, 7-8. The plain language of the 1930's Condemnation Judgments clearly conveyed to Petitioner a 6¼ percent royalty interest in the minerals associated with each tract of land described within the judgments. *See supra* at pp. 5-7. The district court reaffirmed that plain reading of the condemnation judgments in the 1991 Judgment, and further quieted title to the "disputed minerals (6¼% royalty)" to Petitioner.

This Court granting a writ of certiorari would resolve the circuit split and would continue this Court's long recognition of a court's inherent power to enforce its prior judgments. It would also allow the lower court to enforce the prior final judgments by requiring Respondents to comply with the plain language of those judgments.

III. This case is important to ensure federal courts retain their inherent right to protect and effectuate their final orders and judgements

Respondents claim that the question presented is of limited importance because disputes over the scope of federal condemnation are rare. Resp. in Opp'n at 14. However, they have occurred in enough frequency for a circuit split to develop on the issue. In addition, a resolution of this issue would not just be unique to the facts of this case and the royalty interest conveyed to Petitioner under the 1930's Condemnation Judgments. It would provide clarity on the appropriate avenue to resolve challenges to the scope of property condemned or to the scope of the recognition of specific reservations, outstanding estates, interest, or other encumbrances within the respective final condemnation judgments.

This Court is also presented with an opportunity to reemphasize the power of federal courts to protect and to effectuate their own final judgments. "Public policy dictates that there be an end to litigation" and "that matters once tried shall be considered forever settled as between the parties." *Moitie*, 452 U.S. at 401. The Eighth Circuit and Respondents are taking a step back from this longstanding rule of law by taking the position that a separate Quiet Title Act claim is necessary to reanalyze or rewrite final judgments that already transferred or conveyed title to property. Allowing such a broad review of final judgments would destroy the integrity of litigated judgments, lead to increased litigation, and never allow for complete finality in a case. *B&B Hardware, Inc.*, 575 U.S. at 147. "There is

simply no principle of law or equity which sanctions the rejection by a federal court of the salutary principle of *res judicata*." *Moitie*, 452 U.S. at 401. Otherwise, the power of the judiciary would be eroded and the public could no longer rely on the finality of judicial actions.

CONCLUSION

For the foregoing reasons and as argued in the Petition, the writ of certiorari should be granted.

DATED: October 14, 2025

Respectfully submitted,

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