

No.

In the Supreme Court of the United States

T.M., PETITIONER

v.

UNIVERSITY OF MARYLAND
MEDICAL SYSTEM CORPORATION, ET AL.

*ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the *Rooker-Feldman* doctrine can be triggered by a state-court decision that remains subject to further review in state court.

PARTIES TO THE PROCEEDING

Petitioner is T.M.; her name was redacted in the proceedings below for privacy purposes. Respondents are University of Maryland Medical System Corporation; Baltimore Washington Medical Center Inc.; Kathleen McCollum; and Thomas J. Cummings, Jr.

RELATED PROCEEDINGS

Maryland Circuit Court (Anne Arundel County):

T.M. v. Baltimore Washington Medical Center, et al.,
No. C-02-CV-23-000910 (June 12, 2023) (consent
order)

Appellate Court of Maryland:

T.M. v. Baltimore Washington Medical Center, et al.,
No. 878, Sept. Term 2023 (June 26, 2025) (order
staying appeal pending the resolution of federal
proceedings)

United States District Court (D. Md.):

*T.M., et al. v. University of Maryland Medical Sys-
tem Corp., et al.*, Civ. No. 23-1684 (July 23, 2024)

United States Court of Appeals (4th Cir.):

*T.M., et al. v. University of Maryland Medical Sys-
tem Corp., et al.*, No. 24-1707 (June 4, 2025)

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T.M. respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit in this case.

OPINIONS BELOW

The opinion of the court of appeals (App., *infra*, 1a-20a) is reported at 139 F.4th 344. The opinion of the district court (App., *infra*, 21a-35a) is unreported but is available at 2024 WL 3555124.

JURISDICTION

The judgment of the court of appeals was entered on June 4, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATUTORY PROVISION INVOLVED

Section 1257(a) of Title 28 of the United States Code provides:

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

STATEMENT

This case presents an important question concerning the jurisdiction of the federal courts that has divided no fewer than ten courts of appeals. Under what is known as the *Rooker-Feldman* doctrine, a federal district court lacks jurisdiction to entertain a claim filed by a party that lost in state court and is asking the federal court to invalidate a final state-court judgment. The doctrine is based on a negative implication from 28 U.S.C. 1257, which provides this Court with appellate jurisdiction over federal questions arising in cases from state court.

The Court has applied *Rooker-Feldman* to dismiss a federal claim only twice, in the two cases from which the doctrine takes its name. See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). In each of those cases, the plaintiff had sought to challenge in federal court a final judgment of a state court of last resort, after no further direct review in state court was available—leaving

this Court’s exercise of jurisdiction under Section 1257 as the losing party’s last hope for direct review.

Despite this Court’s limited use of *Rooker-Feldman*, the doctrine has caused “much mischief” over the years, “creating needless complications” and “distracting litigants and courts from the properly presented federal issues at hand.” *VanderKodde v. Mary Jane M. Elliott, P.C.*, 951 F.3d 397, 405 (6th Cir. 2020) (Sutton, J., concurring). In *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005), the Court explained that “*Rooker* and *Feldman* exhibit the limited circumstances” where the doctrine applies: namely, where “the losing party in state court filed suit in federal court after the state proceedings ended, complaining of an injury caused by the state-court judgment and seeking review and re-jection of that judgment.” *Id.* at 291.

Despite this Court’s efforts to cabin *Rooker-Feldman* in *Exxon Mobil*, the doctrine soon went “back to its old tricks” of “interfering with efforts to vindicate federal rights and misleading federal courts into thinking they have no jurisdiction over cases Congress empowered them to decide.” *VanderKodde*, 951 F.3d at 405 (Sutton, J., concurring). A significant dispute has now arisen in the lower courts concerning the circumstances under which a state-court judgment is sufficiently final for the doctrine to apply. The question presented is whether the *Rooker-Feldman* doctrine can be triggered by a state-court decision that remains subject to further review in state court.

This case arises out of the involuntary commitment of petitioner to a state hospital and the hospital’s subsequent attempt to medicate her against her will. During her commitment, petitioner filed a habeas action in state court, seeking her release. Ultimately, faced with the prospect of continued detention and forced medication before obtaining relief, petitioner entered a consent decree with the

defendants in state trial court. Petitioner then appealed the consent decree, and that appeal remains pending in state court.

Shortly after entry of the consent decree, petitioner filed an action in federal court alleging that she entered the consent decree under duress and that the decree violated her federal constitutional rights. Despite the pendency of the state-court appeal, the district court held that *Rooker-Feldman* deprived it of jurisdiction over petitioner's claims.

The Fourth Circuit affirmed. In so doing, the court expressly held that “*Rooker-Feldman* is not limited to situations when a federal court plaintiff no longer has any recourse within the state system.” App., *infra*, 15a. The court “acknowledg[ed] the contrary views of other circuits” but sided with the minority position endorsed by two other courts of appeals. *Ibid*.

The Fourth Circuit's decision was incorrect, and it deepens a broad and acknowledged circuit conflict concerning a jurisdictional doctrine that has long bedeviled lower courts and litigants alike. Properly understood in light of its foundation in Section 1257, *Rooker-Feldman* applies only to federal-court challenges to state-court judgments that have become final in the sense that no further review in the state-court system is possible. Absent this Court's intervention, *Rooker-Feldman* will continue to confound judges and litigants, contradicting the Court's longstanding efforts to ensure clarity of the jurisdictional rules that govern the federal courts. Because this case is an ideal vehicle for resolving the circuit conflict, the petition for a writ of certiorari should be granted.

A. Background

1. As this Court has long explained, federal courts have a “virtually unflagging obligation * * * to exercise the jurisdiction given them.” *Colorado River Water Conservation District v. United States*, 424 U.S. 800, 817 (1976); see, e.g., *Federal Bureau of Investigation v. Fikre*, 601 U.S. 234, 240 (2024). Congress has given federal district courts original jurisdiction over a number of categories of cases, including cases involving federal questions; cases between diverse parties; and cases involving specific areas of federal law, such as admiralty, maritime, bankruptcy, patent, and copyright law. See 28 U.S.C. 1331, 1332, 1333, 1334, 1338.

Congress has also given this Court appellate jurisdiction in certain categories of cases. See, e.g., 28 U.S.C. 1253-1254, 1257-1260; see also U.S. Const., Art. III, § 2, cl. 2. Once such category is set forth in 28 U.S.C. 1257, which provides that the Court may review by writ of certiorari “[f]inal judgments or decrees rendered by the highest court of a State” (or the District of Columbia) where the state court resolved a question of federal law. See, e.g., *Michigan v. Long*, 463 U.S. 1032, 1040-1041 (1983).

2. In *Rooker, supra*, this Court addressed the question whether a district court can exercise its original federal-question jurisdiction to consider a claim asking the court to invalidate a final state-court judgment as contrary to federal law. There, the federal plaintiff had lost in litigation before the Indiana Supreme Court; sought review from this Court; and had his writ of error dismissed for lack of jurisdiction. See 263 U.S. at 414. The plaintiff then filed a lawsuit asking a federal district court to declare the Indiana state-court judgment “null and void” as contrary to the United States Constitution. *Ibid.* This Court held that, under what is now Section 1257, “no court

of the United States other than this [C]ourt could entertain a proceeding to reverse or modify the judgment for errors of that character.” *Id.* at 416. “To do so would be an exercise of appellate jurisdiction,” the Court explained, but “[t]he jurisdiction possessed by the [d]istrict [c]ourts is strictly original.” *Ibid.* The Court thus affirmed the dismissal of the plaintiff’s federal action for lack of jurisdiction. See *id.* at 415.

The Court’s decision in *Rooker* was “‘largely forgotten’ until a law professor in 1980 re-conceptualized it into a doctrine that barred federal courts from addressing federal claims that overlapped with state court rulings.” *VanderKodde*, 951 F.3d at 405-406 (Sutton, J., concurring) (quoting Richard H. Fallon Jr., John F. Manning, Daniel J. Meltzer & David L. Shapiro, *Hart and Wechsler’s The Federal Courts and the Federal System* 1409 (7th ed. 2015), and citing Williamson B.C. Chang, *Rediscovering the Rooker Doctrine: Section 1983, Res Judicata and the Federal Courts*, 31 *Hastings L.J.* 1337 (1980)).

Three years later—and some 60 years after *Rooker*—the Court applied the holding in *Rooker* for the first time. In *Feldman*, *supra*, the plaintiffs had applied to the District of Columbia Court of Appeals for waivers of a rule governing admission to the District of Columbia Bar. See 460 U.S. at 465, 471. The D.C. Court of Appeals declined to issue waivers, and the plaintiffs filed suit against that court in federal district court, alleging that the court’s denial of their waiver requests violated their constitutional rights as well as federal antitrust law. See *id.* at 468-469, 472-473. Citing *Rooker*, this Court stated that the district court’s jurisdiction over the plaintiffs’ actions depended on whether the proceedings in D.C. court had been “judicial” in nature. See *id.* at 476. The Court proceeded to hold that the proceedings concerning the petitions for

waivers were judicial in nature, thus depriving the district court of jurisdiction. See *id.* at 479, 482.

3. After the Court’s decision in *Feldman*, the obscure jurisdictional principle applied there and in *Rooker* proliferated in the lower courts. According to one commentator, *Rooker-Feldman* grew to become the “primary docket-clearing workhorse for the federal courts.” Susan Bandes, *The Rooker-Feldman Doctrine: Evaluating Its Jurisdictional Status*, 74 Notre Dame L. Rev. 1175, 1175 (1999). In turn, differing understandings of the doctrine developed, generating “confusion and debate” concerning its proper application. *Lance v. Dennis*, 546 U.S. 459, 467 (2006) (Stevens, J., dissenting).

This Court clarified matters—or so it seemed—in *Exxon Mobil*. There, the Court observed that *Rooker-Feldman* had “sometimes been construed to extend far beyond the contours of the *Rooker* and *Feldman* cases, overriding Congress’ conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law.” 544 U.S. at 283. The Court warned that, properly construed, the doctrine was “narrow”; “confined to cases of the kind from which the doctrine acquired its name”; and rooted in the language of Section 1257. *Id.* at 284, 291.

Specifically, the Court noted that *Rooker* and *Feldman* had involved situations in which “the losing party in state court filed suit in federal court after the state proceedings ended, complaining of an injury caused by the state-court judgment and seeking review and rejection of that judgment.” *Exxon Mobil*, 544 U.S. at 291. The district courts in those cases lacked subject-matter jurisdiction, the Court explained, because the plaintiffs had “called upon the [d]istrict [c]ourt to overturn an injurious state-court judgment” and Section 1257 “vests authority

to review a state court’s judgment solely in this Court.” *Id.* at 291-292. The Court concluded that *Rooker-Feldman* is “confined” to “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the federal district court proceedings commenced and inviting district court review and rejection of those judgments.” *Id.* at 284.

4. Many believed that the Court’s decision in *Exxon Mobil* had “finally interred” the *Rooker-Feldman* doctrine. *Lance*, 546 U.S. at 468 (Stevens, J., dissenting); see, e.g., *Hunter v. McMahon*, 75 F.4th 62, 68 (2d Cir. 2023); Suzanna Sherry, *Logic Without Experience: The Problem of Federal Appellate Courts*, 82 Notre Dame L. Rev. 97, 121 (2006); Samuel Bray, *Rooker Feldman (1923-2006)*, 9 Green Bag 317, 317-318 (2006). In the two decades since *Exxon Mobil* was decided, this Court has rejected requests to apply it. See, e.g., *Skinner v. Switzer*, 562 U.S. 521, 531-532 (2011); *Lance*, 546 U.S. at 466.

Still, *Rooker-Feldman* “harasses litigants and courts to this day.” *VanderKodde*, 951 F.3d at 407 (Sutton, J., concurring). In some circuits, “application of the doctrine has only grown” since *Exxon Mobil*. *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 410 (7th Cir. 2023) (Kirsch, J., dissenting from the denial of rehearing en banc). Empirical data from the district courts supports that conclusion. See Raphael Graybill, Comment, *The Rook That Would Be King: ‘Rooker-Feldman’ Abstention Analysis After ‘Saudi Basic,’* 32 Yale J. on Reg. 591, 592 (2015).

As lower courts continue to apply *Rooker-Feldman* broadly, one question that has frequently arisen is when a state judgment is considered sufficiently “final” to trigger application of the doctrine. In particular, the question has arisen whether a state-court judgment that remains subject to further review in state court is “final” for purposes of *Rooker-Feldman*, or whether the doctrine applies only

when no further review in state court is available. See pp. 14-22, *infra*. This Court has never squarely addressed that question.

B. Facts And Procedural History

1. Petitioner is a 35-year-old college graduate from Maryland who has a rare medical condition that affects her ability to consume foods containing gluten. Ingesting any amount of gluten can cause changes in petitioner's mental status, including by inducing psychosis. Before the events underlying this case, petitioner regularly saw a credentialed psychiatrist and took a low dose of antipsychotic medication only when needed to manage her condition. Notably, petitioner's psychiatrist advised against the use of a higher dose of medication because of the risk of adverse side effects, including involuntary bodily movements and extreme lethargy. App., *infra*, 2a-3a, 22a; D. Ct. Dkt. 1, at 5, 8, 10-11; D. Ct. Dkt. 2-5, at 1.

In light of her condition, petitioner also executed an advance medical directive for use if she experienced a psychotic episode. The directive was designed to ensure that petitioner was treated in accordance with her wishes or the direction of her health-care agent, who was required to weigh the risks and benefits of any course of treatment and act in her best interests. Petitioner selected her father as her health-care agent. D. Ct. Dkt. 1, at 6, 11-12.

2. In 2023, petitioner consumed gluten and experienced a psychotic episode. She was taken to the emergency facilities of respondent Baltimore Washington Medical Center, where she asked to be admitted voluntarily. The Medical Center nevertheless admitted her involuntarily and placed her under the care of respondent Thomas J. Cummings, Jr. Petitioner was confined in the facility for nearly three months. App., *infra*, 22a; D. Ct. Dkt. 1, at 2, 7, 12.

Petitioner alleges that, during her commitment, the Medical Center consistently declined to honor her advance directive. In addition, the Medical Center twice sought to inject her with antipsychotic medications against her will. After the first such request was approved by a clinical review panel, petitioner began voluntarily taking oral medications. But after petitioner refused a subsequent injection, petitioner's treating physician brought a renewed request for forcible medication. A clinical review panel approved the renewed request; petitioner appealed that approval; and an administrative law judge affirmed. App., *infra*, 3a, 22a-23a; D. Ct. Dkt. 1, at 13-14.

3. In response to petitioner's treatment at the Medical Center, petitioner and her father filed a series of legal actions in Maryland state court to obtain relief during her involuntary commitment. First, petitioner's father filed suit against the Medical Center and its parent corporation, respondent University of Maryland Medical System Corporation, seeking an order requiring them to recognize petitioner's advance directive. Second, petitioner filed a petition for judicial review of the administrative law judge's decision upholding the request to inject her with medications against her will. Third, petitioner filed a habeas petition seeking her release from the Medical Center. Fourth, petitioner filed several emergency motions for judicial release. While those actions were pending in state court, petitioner also filed suit in the United States District Court for the District of Maryland, alleging that the Medical Center and others had violated her federal and state constitutional rights. D. Ct. Dkt. 1, at 6-7.

4. After petitioner commenced legal proceedings, the Medical Center agreed to release her if she agreed to abide by certain post-release conditions. Petitioner, concerned that she would be forcibly medicated at any time,

agreed to the conditions in order to secure her release. The parties reduced their agreement to a written document, which the state court entered as a consent order in the habeas action. App., *infra*, 3a; D. Ct. Dkt. 1, at 4, 34-35.

The consent order required petitioner to follow new protocols for her care in perpetuity. In particular, she was required to obtain a new treating psychiatrist; attend sessions at a local outpatient mental health clinic; and take all medications prescribed to her by her new psychiatric team. The consent order further required petitioner's parents to monitor her use of those medications and report her to the mental health clinic and a county crisis-prevention team if she stopped taking them. Petitioner and her parents were further required to dismiss all of the actions they had filed against the Medical Center, the University of Maryland Medical System, and other affiliated parties. App., *infra*, 3a, 24a; D. Ct. Dkt. 2-1B, at 1-2.

Petitioner appealed the consent order to the Appellate Court of Maryland. App., *infra*, 25a.

5. Ten days after the consent order was entered (but before petitioner filed her state-court appeal), petitioner and her parents filed this action in federal district court against the University of Maryland Medical System Corporation; the Medical Center; Dr. Cummings; the Medical Center's president and chief executive officer (respondent Kathleen McCollum); and others. The complaint sought a declaration that the consent order violated the federal and state constitutional rights of petitioner and her parents; a declaration that the order was obtained under duress; and injunctive relief preventing enforcement of the order. App., *infra*, 24a-25a; D. Ct. Dkt. 1, at 39.

The district court ordered the parties to brief the questions whether the court had subject-matter jurisdiction and whether the court should abstain from exercising

jurisdiction. Although petitioner argued that the *Rooker-Feldman* doctrine did not apply, respondents did not address that doctrine, and the district court did not rule on it at the time. The court proceeded to deny petitioner's request for a temporary restraining order, and respondents then moved to dismiss the complaint for failure to state a claim. App., *infra*, 26a; D. Ct. Dkt. 17, at 5-9; D. Ct. Dkt. 20; D. Ct. Dkt. 41-1, at 1.

5. In the Maryland Appellate Court, petitioner moved for a stay of proceedings there pending the outcome of the federal proceedings. The court granted the motion. App., *infra*, 25a.

6. Despite the pending state-court proceedings, the federal district court proceeded to dismiss this case sua sponte under the *Rooker-Feldman* doctrine. App., *infra*, 26a-35a. The court reasoned that, for purposes of *Rooker-Feldman*, the consent order constituted an adverse state-court judgment against petitioner; petitioner was complaining of injuries caused by the consent order; and petitioner was seeking federal review of the order. *Id.* at 28a-30a, 32a. With respect to finality, the district court explained that petitioner's appeal to the Maryland Appellate Court had "made it unclear, at least initially, whether the [c]onsent [o]rder had become final for purposes of applying *Rooker-Feldman*." *Id.* at 30a. But "in light of the stay of the pending appeal in state court," the district court concluded that petitioner was asking it "effectively [to] entertain an appeal of a state court judgment that is presently insulated from all further state court review." *Id.* at 31a-32a.¹

7. The court of appeals affirmed. App., *infra*, 1a-20a. The court explained that petitioner had not disputed that

¹ The district court dismissed the claims of petitioner's parents on the merits, see App., *infra*, 35a, and those claims are not at issue here.

she filed the federal-court action after the consent order was entered in state court. *Id.* at 8a-9a. The court also determined that petitioner had lost in state court; was complaining of injuries caused by the consent order; and had asked the district court to review and reject the order. *Id.* at 10a-14a.

Of relevance here, the court of appeals rejected petitioner's argument that the *Rooker-Feldman* doctrine is inapplicable where further review of the state-court judgment in question is still available. App., *infra*, 15a-17a. The court of appeals acknowledged that, in *Exxon Mobil*, this Court stated that *Rooker-Feldman* is "confined to cases of the kind from which the doctrine acquired its name" and that, in both *Rooker* and *Feldman*, "the losing party in state court filed suit in federal court after the state proceedings ended." *Id.* at 15a-16a (quoting *Exxon Mobil*, 544 U.S. at 284, 291). But the court of appeals homed in on language in the introduction of the *Exxon Mobil* opinion stating that *Rooker-Feldman* applies to "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon Mobil*, 544 U.S. at 284; see App., *infra*, 7a, 16a-17a.

Because that language did not mention the finality of state proceedings, the court of appeals held that no such limitation on *Rooker-Feldman* existed. App., *infra*, 16a-17a. The court reasoned that Section 1257 did not dictate a contrary result, asserting that "Congress's failure to give" either this Court or lower federal courts "any appellate jurisdiction over state court judgments" where additional review by higher state courts remains available meant that "no federal court has jurisdiction to review such decisions." *Id.* at 17.

In reaching its conclusion on finality, the court of appeals expressly acknowledged the “contrary views of other circuits.” App., *infra*, 15a. But it ultimately “agree[d] with the Sixth and Eighth Circuits that *Rooker-Feldman* is not limited to situations when a federal court plaintiff no longer has any recourse within the state system.” *Ibid*.

8. The Maryland Appellate Court subsequently extended its stay of petitioner’s appeal pending the Court’s disposition of this petition for a writ of certiorari. App., *infra*, 36a-37a.

REASONS FOR GRANTING THE PETITION

This case is a straightforward candidate for further review. The question whether the *Rooker-Feldman* doctrine can be triggered by a state-court decision that remains subject to further review in state court is the subject of a deep and acknowledged conflict involving no fewer than ten courts of appeals. The decision below incorrectly sided with the minority position on that question, and this case is an ideal vehicle for resolving the conflict. The petition for a writ of certiorari should be granted.

A. The Decision Below Deepens An Entrenched Conflict Among The Courts of Appeals

In the decision below, the court of appeals expressly acknowledged the existence of a circuit conflict on the question of when a state-court judgment is sufficiently final to trigger application of the *Rooker-Feldman* doctrine. Seven courts of appeals have held that *Rooker-Feldman* does not apply where the judgment being challenged in federal court remains subject to further review in state court. By contrast, two courts of appeals, including the Fourth Circuit in the decision below, have reached

the opposite conclusion, and a third has taken conflicting positions. That deep and acknowledged conflict is unlikely to resolve itself, and the Court’s review is thus warranted.

1. Seven courts of appeals have held that a federal court retains jurisdiction to hear a case challenging a state-court judgment when the judgment remains subject to further review in state court.

a. Shortly after this Court issued its decision in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005), the First Circuit weighed in on the finality question in *Federación de Maestros de Puerto Rico v. Junta de Relaciones del Trabajo de Puerto Rico*, 410 F.3d 17 (2005). There, the court explained that, in considering whether “a state court judgment is sufficiently final” to trigger application of the *Rooker-Feldman* doctrine, the principal question is “whether state proceedings have ‘ended.’” *Id.* at 24, 26. The court proceeded to identify three situations in which state proceedings have “ended”: first, when “the highest state court in which review is available has affirmed the judgment below and nothing is left to be resolved”; second, when “neither party seeks further action”; and third, when “the state court proceedings have finally resolved all the federal questions in the litigation.” *Id.* at 24-25.

In *Coggeshall v. Massachusetts Board of Registration of Psychologists*, 604 F.3d 658 (2010), the First Circuit applied that principle to a case in which the relevant state-court litigation was still pending on appeal when the federal action was filed. The court explained that, under *Federación de Maestros*, it is a “condition precedent” to the application of *Rooker-Feldman* that the “state-court proceedings have ended” when the “federal-court suit is commenced.” *Coggeshall*, 604 F.3d at 663-664. Because the “state case was still pending” in state appellate court

when the federal complaint was filed in *Coggeshall*, the First Circuit held that *Rooker-Feldman* did not apply. *Ibid.*

b. The Tenth Circuit adopted the same approach in *Guttman v. Khalsa*, 446 F.3d 1027 (2006). There, a doctor filed claims in federal court against the State of New Mexico and others, challenging the revocation of his medical license, while the New Mexico Supreme Court was considering his petition for discretionary review of a state-court decision upholding the revocation of the license. See *id.* at 1029-1030. The Tenth Circuit explained that, “[u]nder *Exxon Mobil*, *Rooker-Feldman* applies only to suits filed after state proceedings are final.” *Id.* at 1032. Because the doctor had filed the federal suit when state appellate proceedings were still ongoing, the Tenth Circuit held that the state suit was not “final” for purposes of *Rooker-Feldman*. *Ibid.*; see *D.A. Osguthorpe Family Partnership v. ASC Utah, Inc.*, 705 F.3d 1223, 1232 (10th Cir. 2013) (reaching the same conclusion on similar facts).

c. The Eleventh Circuit has likewise held that, even if *Rooker-Feldman* would otherwise deprive a district court of jurisdiction over a claim, a federal court retains jurisdiction if a state appeal is pending when the federal suit is filed. See *Green v. Jefferson County Commission*, 563 F.3d 1243, 1249-1250 (2009); *Nicholson v. Shafe*, 558 F.3d 1266, 1279 (2009). For example, in *Nicholson*, the court recognized that, in light of *Exxon Mobil*, “the federal action must be filed after the state proceedings have ended” in order for *Rooker-Feldman* to apply. 558 F.3d at 1275. The court then proceeded to determine “whether the entry of judgment on a jury verdict in a state trial court pending appeal marks the end of state proceedings.” *Ibid.* The court held that the answer was no: if a losing party in state court files an appeal, then the party is seeking “further action” in the state-court proceedings, and

those proceedings have yet not ended. *Ibid.* (citation omitted). The court observed that its interpretation best “heed[ed] [this Court’s] warning” not to extend *Rooker-Feldman* “far beyond the contours of the *Rooker* and *Feldman* cases.” *Id.* at 1278 (citation omitted).

d. The Third Circuit has followed suit. In *Malhan v. Secretary, United States Department of State*, 938 F.3d 453 (2019), the court held that “*Rooker-Feldman* does not apply when state proceedings have neither ended nor led to orders reviewable by the United States Supreme Court.” *Id.* at 459-460. Applying that rule, the Third Circuit determined that a district court retained jurisdiction to consider a challenge to child-support orders signed by a family court before a divorce judgment was issued. See *id.* at 456, 461. As the Third Circuit explained, the family court’s clarification that the plaintiff’s support obligations “will not change until a final divorce decree is entered” demonstrated that the “state court proceedings are far from ‘ended.’” *Id.* at 461; see *Taggart v. Saltz*, 855 Fed. Appx. 812, 814-815 (3d Cir. 2021) (holding that *Rooker-Feldman* did not apply where the plaintiff filed his federal action “while his petition for allowance of appeal was pending in state court”).

e. The Seventh Circuit has also agreed that “*Rooker-Feldman* does not apply if * * * a state-court appeal is pending when the federal suit is filed.” *Parker v. Lyons*, 757 F.3d 701, 705 (2014), overruled on other grounds by *Hadzi-Tanovic v. Johnson*, 62 F.4th 394 (2023). Like its sister circuits, it explained that state proceedings have not “ended” until “the state courts *finally resolve* the issue that the federal court plaintiff seeks to relitigate in a federal forum.” *Id.* at 706 (citation omitted). And such “necessary final resolution” is absent, the court continued, as long as a state appeal remained pending at the time of filing. *Ibid.*; see *Bauer v. Koester*, 951 F.3d 863, 867 (7th

Cir. 2020) (holding that *Rooker-Feldman* applies to “effectively final” interlocutory state-court orders that are not subject to appeal in the state court system).

f. In *Miller v. Dunn*, 35 F.4th 1007 (2022), the Fifth Circuit adopted the “better understanding of *Rooker-Feldman*” articulated by the First, Third, Seventh, Tenth, and Eleventh Circuits. *Id.* at 1012-1013. In *Miller*, the plaintiff filed a federal suit while state-court appeals in a parental-rights dispute were pending. See *id.* at 1009. In circuit precedent predating *Exxon Mobil*, the Fifth Circuit had held that a federal court lacked jurisdiction to review a state-court judgment while a state appeal remained pending. See *id.* at 1011-1012. But in *Miller*, the Fifth Circuit concluded that its prior precedent was incompatible with *Exxon Mobil* and proceeded to hold that “*Rooker-Feldman* is inapplicable where a state appeal is pending when the federal suit is filed.” *Ibid.* As the Fifth Circuit explained, “[w]hile *Exxon Mobil* did not address this precise question, the [Supreme] Court took pains to clarify that the doctrine applies only ‘after the state proceedings have ended,’ as was the case in *Rooker* and *Feldman*.” *Ibid.* (alteration omitted) (quoting *Exxon Mobil*, 544 U.S. at 291).

g. Most recently, the Second Circuit joined the majority approach in *Hunter v. McMahon*, 75 F.4th 62 (2023). There, a family court ordered that custody of a child be transferred from a parent to the local department of social services; the parent both appealed the family-court judgment and brought suit in federal court against state officials. See *id.* at 66. The district court dismissed the case under *Rooker-Feldman*, but the Second Circuit reversed. See *id.* at 65. Quoting this Court’s decision in *Exxon Mobil*, the Second Circuit explained that “*Rooker-Feldman* deprives a federal court of jurisdiction only if the federal suit is filed ‘after the state proceedings

ended.’” *Id.* at 70 (quoting *Exxon Mobil*, 544 U.S. at 291). And “[i]f a federal-court plaintiff’s state-court appeal remains pending when she files her federal suit,” the Second Circuit continued, “the state-court proceedings have not ended and *Rooker-Feldman* does not apply.” *Ibid.*

2. Despite the consensus of those seven courts of appeals, two other courts of appeals, including the Fourth Circuit in the decision below, have squarely held that *Rooker-Feldman* deprives a district court of jurisdiction to consider a challenge to a state-court judgment even when the judgment remains subject to further review in state court.

a. In *RLLR Investments, LLC v. City of Pigeon Forge*, 4 F.4th 380 (2021), cert. denied, 142 S. Ct. 862 (2022), the Sixth Circuit expressly departed from the consensus of the courts of appeals on the application of *Rooker-Feldman*. There, the federal-court plaintiff was the defendant in an eminent-domain proceeding brought by a municipality in state court. See *id.* at 384. The state court entered an order allowing the municipality to take possession of the land at issue and rejected the federal-court plaintiff’s argument that the taking was not for a public purpose. See *ibid.* Before the state court could complete proceedings to value the property, however, the state-court defendant initiated its federal action. See *ibid.* The federal district court dismissed the action under *Rooker-Feldman*. See *id.* at 385.

The Sixth Circuit affirmed. See 4 F.4th at 396. The court explained that, under circuit precedent, *Rooker-Feldman* can apply to “interlocutory orders,” “in the sense that the trial has not yet ended and appeals haven’t been exhausted.” *Id.* at 389. The court proceeded to analyze whether this Court’s decision in *Exxon Mobil* had abrogated that circuit precedent. See *id.* at 390-395. The

court acknowledged that “most circuits” that had considered the issue since *Exxon Mobil* had agreed that *Rooker-Feldman* does not apply to “interlocutory state court orders.” *Id.* at 391. Although the court was “hesitant to deepen any conflicts between the circuits,” it determined it was required to “decide independently whether [*Exxon Mobil*] mandate[d] modification” of its circuit precedent. *Id.* at 392. The court concluded it did not, and it held that *Rooker-Feldman* applied even though further proceedings remained in state court. See *id.* at 395.

Judge Clay dissented. In his view, this Court’s decisions mandated that the *Rooker-Feldman* “does not apply to nonfinal state court interlocutory orders.” 4 F.4th at 400-402. Judge Clay also noted that, in reaching the contrary conclusion, the majority had created a circuit conflict. See *id.* at 396, 401-402, 406. A petition for rehearing en banc was denied, with only Judge Clay noting his dissent. See Order, No. 20-6375 (6th Cir. Aug. 12, 2021).

b. In the decision below, the Fourth Circuit acknowledged the existing circuit conflict and expressly sided with the Sixth Circuit’s approach (and a decision of the Eighth Circuit, see pp. 21-22, *infra*). App., *infra*, 16a. In particular, the Fourth Circuit held that *Rooker-Feldman* “is not limited to situations when a federal court plaintiff no longer has any recourse within the state system.” *Id.* at 15a. Although the Fourth Circuit recognized that this Court had confined *Rooker-Feldman* to “cases of the kind from which the doctrine acquired its name,” it discounted the Court’s acknowledgment that both *Rooker* and *Feldman* involved plaintiffs who had “filed suit in federal court after the state proceedings ended.” *Id.* at 15a-16a (citations omitted).

3. In addition to the decisions of the foregoing courts of appeals, the Eighth Circuit has provided conflicting answers to the question presented in competing published decisions.

In *Dornheim v. Sholes*, 430 F.3d 919 (8th Cir. 2005), cert. denied, 547 U.S. 1135 (2006), the federal-court plaintiff had filed her federal action while her related appeals from state divorce and custody proceedings were pending before the North Dakota Supreme Court. See *id.* at 922. On appeal from the federal district court’s dismissal of the case under *Rooker-Feldman*, the Eighth Circuit held that the doctrine did not apply. See *id.* at 923-924. The Eighth Circuit reasoned that “*Exxon Mobil* makes clear that the *Rooker-Feldman* doctrine precludes federal district court jurisdiction only if the federal suit is commenced after the state court proceedings have ended.” *Id.* at 923.

But in *Parker Law Firm v. Travelers Indemnity Co.*, 985 F.3d 579 (2021), a different panel of the Eighth Circuit held that *Rooker-Feldman* applied to a case where the federal-court plaintiff’s state appeal remained pending. In *Parker Law Firm*, the plaintiffs filed an action in federal court concerning a contractual dispute during the pendency of a state-court appeal of the denial of reconsideration of an earlier order requiring arbitration of the same contractual dispute. See *id.* at 583. The Eighth Circuit held that the district court lacked jurisdiction under *Rooker-Feldman*, reasoning that “*Rooker-Feldman* applies to state court judgments that are not yet final.” *Id.* at 584. In reaching that decision, the panel did not cite the circuit’s earlier decision in *Dornheim*. See *id.* at 583-584.²

² Notably, the parties did not cite *Dornheim* in their briefing before the Eighth Circuit.

* * * * *

The decision below deepens an acknowledged and entrenched conflict, involving nearly all of the geographic circuits, concerning the finality of state-court proceedings necessary for *Rooker-Feldman* to apply. Given that the Sixth Circuit has already denied rehearing en banc on this issue, and the Fourth Circuit expressly deepened the conflict in the decision below, the conflict is unlikely to resolve itself without this Court’s intervention.

B. The Decision Below Is Erroneous

The court of appeals erred by holding that the *Rooker-Feldman* doctrine jurisdictionally barred petitioner’s federal suit.

1. Federal courts have a “virtually unflagging obligation * * * to exercise the jurisdiction given them” by Congress. *Colorado River Water Conservation District v. United States*, 424 U.S. 800, 817 (1976). Congress has granted the federal district courts original jurisdiction over numerous categories of cases, including cases involving federal questions. See 28 U.S.C. 1331; see also p. 5, *supra* (listing additional statutes).

The *Rooker-Feldman* doctrine arose as a negative implication of 28 U.S.C. 1257, which provides this Court with jurisdiction to review “[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had,” where the judgment or decree rests on federal law. In both *Rooker* and *Feldman*, the Court held that its jurisdiction under Section 1257 was exclusive, with the result that a district court could not exercise original jurisdiction to review a state-court judgment affirmed by the state court of last resort. See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-416 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 476 (1983). Accordingly, “despite its name,” *Rooker-Feldman* is “not

so much a ‘doctrine’ as a basic fact of federal statutory law.” *Reed v. Goertz*, 598 U.S. 230, 244 (2023) (Thomas, J., dissenting).

In light of the text of Section 1257, there is no valid basis for applying *Rooker-Feldman* to state-court judgments that remain subject to further review in state court. Section 1257 limits this Court’s jurisdiction to “[f]inal judgments or decrees” from state court. The Court has long treated the finality of state-court proceedings as a limitation on its jurisdiction under that statute; in the ordinary course, all proceedings in state court must have been exhausted before the Court will have Section 1257 jurisdiction. See *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 477-478 (1975).

If *Rooker-Feldman* is truly rooted in Section 1257, the doctrine should not apply to state-court judgments still subject to review in the state-court system. Because the text of Section 1257 does not provide this Court with jurisdiction over such a judgment, it provides no basis for a negative implication limiting the jurisdiction of the district courts. Interpreting Section 1257 implicitly to prohibit lower federal courts from exercising jurisdiction when Section 1257 does not itself confer jurisdiction on this Court would impermissibly depart from the language of the statute and violate the unflagging obligation of lower federal courts to exercise the jurisdiction that Congress gave to them. See *Colorado River*, 424 U.S. at 817.

2. This Court’s precedents support what the statutory text dictates.

In *Exxon Mobil*, the Court made clear that *Rooker-Feldman* is “narrow” and properly applies only to “cases of the kind from which the doctrine acquired its name.” 544 U.S. at 284. Although the Court’s description of such cases in the introduction of the opinion did not focus on finality, see *ibid.*, the Court’s ensuing discussion made

clear that both *Rooker* and *Feldman* involved a federal action filed after “state proceedings ended,” *id.* at 291. Indeed, the facts in both cases directly implicated Section 1257, because the federal-court plaintiff was challenging a final judgment affirmed by the relevant state court of last resort. See *Rooker*, 263 U.S. at 414; *Feldman*, 460 U.S. at 463-464. Because the Court in *Exxon Mobil* limited *Rooker-Feldman* to the “contours of the *Rooker* and *Feldman* cases,” 544 U.S. at 283, it is unsurprising that several courts of appeals have understood *Exxon Mobil* to require state-court proceedings to have concluded before the doctrine can apply. See pp. 16-17, 18-19, *supra*.

In addition, this Court has gone to great lengths to clarify the jurisdictional rules governing the federal courts and to limit the loose use of the word “jurisdictional.” See, *e.g.*, *Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154, 161 (2010); *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 510 (2006). Of particular relevance here, the Court has emphasized that “[o]nly Congress may determine a lower federal court’s subject-matter jurisdiction,” such that a limitation on a court’s ability to adjudicate a claim is not jurisdictional unless it derives from a federal statute. *Kontrick v. Ryan*, 540 U.S. 443, 452-454 (2004); see, *e.g.*, *Nutraceutical Corp. v. Lambert*, 586 U.S. 188, 192 (2019); *Hamer v. Neighborhood Housing Services of Chicago*, 583 U.S. 17, 19 (2017). It would thus be “strange to treat *Rooker-Feldman* as a jurisdictional defense and yet to extend it beyond its jurisdictional roots in [Section] 1257.” *VanderKodde v. Mary Jane M. Elliott, P.C.*, 951 F.3d 397, 408 (6th Cir. 2020) (Sutton, J., concurring). And as explained above, nothing in Section 1257 supports a limitation on a district court’s original jurisdiction where an avenue of state-court review remains available.

3. There is also no practical need for *Rooker-Feldman* to extend to state-court judgments that remain subject to further review. “[F]ederal courts and state courts often find themselves exercising concurrent jurisdiction over the same subject matter.” *Grove v. Emison*, 507 U.S. 25, 32 (1993). What is more, “Congress and the courts already have developed a full arsenal of tools to deal with [any] problems” that parallel litigation may create. *VanderKodde*, 951 F.3d at 408 (Sutton, J., concurring). For example, federal courts must give full faith and credit to state-court judgments. See 28 U.S.C. 1738. And as the Court emphasized in *Exxon Mobil*, *Rooker-Feldman* does not “override or supplant preclusion doctrine or augment the circumscribed doctrines that allow federal courts to stay or dismiss proceedings in deference to state-court actions.” 544 U.S. at 284. District courts thus may resort to doctrines such as *Younger* and *Colorado River* abstention where applicable. See, e.g., *Younger v. Harris*, 401 U.S. 37, 53 (1971); *Colorado River*, 424 U.S. at 819. There is no need to expand the jurisdictional *Rooker-Feldman* doctrine beyond its statutory foundation when other doctrines exist to address the problems that a more functional formulation of the doctrine might be designed to capture.

4. In the decision below, the Fourth Circuit reached the opposite conclusion based on a cramped reading of this Court’s decision in *Exxon Mobil*. Although the Fourth Circuit acknowledged the language in *Exxon Mobil* noting that the state-court proceedings in both *Rooker* and *Feldman* had fully ended, the Fourth Circuit focused on the language “at the beginning of [the *Exxon Mobil*] opinion prefaced by the words ‘we hold.’” App., *infra*, 16a. There, the Court described *Rooker* and *Feldman* as involving “cases brought by state-court losers complaining

of injuries caused by state-court judgments rendered before the federal district court proceedings commenced and inviting district court review and rejection of those judgments.” 544 U.S. at 284. Because that particular language did not mention finality, the Fourth Circuit held that *Exxon Mobil* did not mandate a “stealth” finality requirement for *Rooker-Feldman*. App., *infra*, 16a.

The principal problem with that reasoning is that it “parse[s]” the Court’s language like “[the] language of a statute.” *Reiter v. Sonotone Corp.*, 442 U.S. 330, 341 (1979). Review of *Exxon Mobil* as a whole shows that the Court viewed finality as an essential requirement for application of *Rooker-Feldman*. In the portion of the opinion setting forth the Court’s substantive reasoning, the Court stated that “*Rooker* and *Feldman* exhibit the limited circumstances” in which Section 1257 precludes a district court from “exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate under a congressional grant of authority.” 544 U.S. at 291. And in the very next sentence, the Court stated that, “[i]n both cases, the losing party in state court filed suit in federal court *after the state proceedings ended*, complaining of an injury caused by the state-court judgment and seeking review and rejection of that judgment.” *Ibid.* (emphasis added). The Court’s decision thus supports petitioner’s interpretation, not the Fourth Circuit’s.

The Fourth Circuit also held that Section 1257 did not “require a different result.” App., *infra*, 16a-17a. The court reasoned that Congress’s decision not to provide this Court with jurisdiction over “state court decisions from which review may still be had within the State’s own judicial system” does not mean that lower federal courts have jurisdiction to review those decisions. *Id.* at 17a. But that reasoning severs *Rooker-Feldman* from its statutory

foundation. Jurisdictional limitations derive from statutes, see p. 24, *supra*, and Section 1257 requires state proceedings to have ended before this Court can exercise jurisdiction under it. To the extent that Section 1257 implies a limitation on the jurisdiction of district courts, there is no textual basis to ignore the statute’s finality requirement when determining the scope of that limitation.

As the majority of the courts of appeals have recognized, *Rooker-Feldman* should not deprive a district court of jurisdiction over a challenge to a state-court judgment where the judgment remains subject to further review in state court. The Fourth Circuit erred by holding to the contrary. The Court should grant certiorari to remedy that error and resolve the conflict over the question presented.

**C. The Question Presented Is Exceptionally Important
And Warrants The Court’s Review In This Case**

The question presented in this case is a recurring one of substantial importance. This case, which cleanly presents the question, is an optimal vehicle for the Court’s review.

1. The Court has long emphasized that “jurisdictional rules should be clear.” *Direct Marking Association v. Brohl*, 575 U.S. 1, 14 (2015) (alteration omitted). In the absence of subject-matter jurisdiction, a federal court must dismiss an action, even if the case has proceeded for years and no party has raised the issue of jurisdiction. See *Henderson v. Shinseki*, 562 U.S. 428, 434-435 (2011). “That is strong medicine for litigants, attorneys, and judges alike.” *Herr v. United States Forest Service*, 803 F.3d 809, 814 (6th Cir. 2015). The Court’s modern precedents thus reflect an emphasis on “the narrow scope of what it means for an issue to be ‘jurisdictional.’” Stephen

I. Vladeck, *The Increasingly Unflagging Obligation: Federal Jurisdiction After ‘Saudi Basic’ and ‘Anna Nicole,’* 42 Tulsa L. Rev. 553, 576 (2007); see pp. 24-25, *supra*.

Rooker-Feldman is a jurisdictional doctrine, but it has never been a model of clarity. As Chief Judge Sutton has explained, *Rooker-Feldman* has caused “much mischief” over the years, “creating needless complications” and “distracting litigants and courts from the properly presented federal issues at hand.” *VanderKodde*, 951 F.3d at 405 (concurring opinion). After the Court attempted to clarify the doctrine in *Exxon Mobil*, some believed *Rooker-Feldman* had been “interred” for good. *Lance v. Dennis*, 546 U.S. 459, 468 (2006) (Stevens, J., dissenting). But nationwide data and anecdotal reports suggest that lower courts are actually citing *Rooker-Feldman* at a higher rate now than they were before *Exxon Mobil*. See Raphael Graybill, Comment, *The Rook That Would Be King: ‘Rooker-Feldman’ Abstention Analysis After ‘Saudi Basic,’* 32 Yale J. on Reg. 591, 596-599 (2015); *VanderKodde*, 951 F.3d at 405 (Sutton, J., concurring); *Hadzi-Tanovic*, 62 F.4th at 410 (Kirsch, J., dissenting from the denial of rehearing en banc). Courts have thus recognized “a need for [this Court] to clarify application of the doctrine.” *Gilbank v. Wood County Department of Human Services*, 111 F.4th 754, 761 (7th Cir. 2024) (en banc), cert. denied, 145 S. Ct. 1167 (2025).

Until this Court provides additional guidance, *Rooker-Feldman* will continue to ensnare litigants seeking to vindicate their rights in federal court. And as a result of the circuit conflict, the jurisdiction of the federal courts will vary by geographic area. That is an untenable situation. And while Congress has the ultimate authority to control the jurisdiction of the federal courts, see *Bowles v. Russell*, 551 U.S. 205, 212-213 (2007), “[o]nly a miniscule portion of the jurisdictional decisions rendered by the courts

prompt any legislative action.” F. Andrew Hessick III, *The Common Law of Federal Question Jurisdiction*, 60 Ala. L. Rev. 895, 939 (2009).

The uncertainty created by the circuit conflict here will also be felt most by vulnerable populations. For example, *Rooker-Feldman* can have “devastating consequences” for civil rights litigants invoking 42 U.S.C. 1983, many of whose claims are “inseparably intertwined with various jurisdictional rules.” Susan Bandes, *The Rooker-Feldman Doctrine: Evaluating Its Jurisdictional Status*, 74 Notre Dame L. Rev. 1175, 1178 (1999). Other populations that will feel the brunt of such continued uncertainty include parents embroiled in child-custody cases, *Gilbank*, 111 F.4th at 761; individuals facing foreclosure, *ibid.*; and plaintiffs bringing claims under the Americans with Disabilities Act, Sarah H. Lorr, *Unaccommodated: How the ADA Fails Parents*, 110 Cal. L. Rev. 1315, 1352-1355 (2022). Many of the litigants in those categories proceed pro se and are poorly equipped to navigate the complexity of a circuit conflict concerning an already labyrinthine jurisdictional doctrine. See United States Courts, *Just the Facts: Trends in Pro Se Civil Litigation from 2000 to 2019*, figs. 3 & 4 (Feb. 11, 2021) <tinyurl.com/pro-se-trends>.

3. This case is an ideal vehicle in which to address the question presented. The question is cleanly raised here. It was passed upon by both the district court and the court of appeals and was fully briefed by both parties on appeal. The question presented is also a pure question of law that has already been subject to substantial percolation among the courts of appeals. In addition, the Maryland Appellate Court has stayed petitioner’s state-court appeal pending the outcome of the federal proceedings, thus eliminating any possibility that the issue will become moot while the

Court considers it. Finally, because the district court separately rejected application of any potentially relevant abstention doctrines, App., *infra*, 25a, the answer to the question presented will be outcome-determinative as to whether the district court can reach the merits of petitioner's claims.

This case thus provides an ideal opportunity to resolve an important and recurring question about the application of the *Rooker-Feldman* doctrine. The Court should grant certiorari, resolve the circuit conflict, and provide guidance to the lower courts on the contours of a jurisdictional doctrine that was intended to have limited application.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

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