

No. 25-197

In the Supreme Court of the United States

T.M.,
PETITIONER,

v.

UNIVERSITY OF MARYLAND
MEDICAL SYSTEM CORPORATION, ET AL.,
RESPONDENTS.

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

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Petitioner entered into a consent order in state court, appealed that consent order to the state appellate court (even though consent orders are ordinarily unappealable under state law), sued in federal district court to void the consent order, and moved in the state appellate court to stay her own appeal.

The question presented is whether the district court below should have adjudicated the merits of petitioner's federal suit simply because state-court appellate review of the consent order had not yet terminated instead of dismissing for lack of jurisdiction under the *Rooker-Feldman* doctrine.

II

STATEMENT OF RELATED PROCEEDINGS

In addition to the related proceedings listed in petitioner's brief, respondents add:

- *J.M. v. Balt. Wash. Med. Ctr.*, No. C-02-CV-23-000764 (Md. Cir. Ct., Anne Arundel Cnty.) (seeking recognition of petitioner's Advance Medical Directive and her father's appointment as her designated healthcare agent)
- *In re T.M.*, No. C-02-CV-23-000842 (Md. Cir. Ct., Anne Arundel Cnty.) (reversing the administrative law judge's order involuntarily admitting petitioner)
- *In re T.M.*, No. 2330 (Md. App. Ct.) (dismissing as moot the appeal from the circuit court's reversal of the involuntary-admission order)
- *In re T.M.*, No. C-02-CV-23-000902 (Md. Cir. Ct., Anne Arundel Cnty.) (seeking judicial review of the administrative order authorizing the injection of petitioner with extended-release antipsychotic medication)
- *T.M. v. Balt. Wash. Med. Ctr, et al.*, No. C-02-CV-23-001066 (Md. Cir. Ct., Anne Arundel Cnty.) (filing emergency motions for judicial release from petitioner's involuntary admission)
- *Doe v. Univ. of Md. Med. Sys. Corp., et al.*, No. 23-cv-1572 (D. Md.) (challenging the constitutionality of petitioner's hospitalization; petitioner voluntarily dismissed this case with prejudice)

III

- *Doe v. Univ. of Md. Med. Sys. Corp., et al.*, No. 23-cv-3318 (D. Md.) (dismissing petitioner's disability-discrimination claims and state-law claims based on petitioner's admission and treatment)
- *Doe v. Univ. of Md. Med. Sys. Corp., et al.*, No. 24-1994 (4th Cir.) (pending appeal from the dismissal of the complaint in D. Md. No. 23-cv-3318)

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BRIEF IN OPPOSITION

INTRODUCTION

Petitioner T.M., represented by five attorneys, entered into a consent order with respondents in a Maryland trial court to govern her discharge from respondent University of Maryland Baltimore Washington Medical Center (BWMC). Two weeks later, and after her discharge, petitioner appealed that consent order to the Maryland Appellate Court, even though consent orders usually are not appealable in Maryland. Before the Maryland Appellate Court could adjudicate whether her appeal was proper, petitioner ran to federal district court

and sued, seeking to “void” the state-court consent order. Then, petitioner moved to stay her own state-court appeal.

Because petitioner’s federal suit essentially sought appellate review of a state-court judgment, the district court dismissed her suit, and the Fourth Circuit affirmed under the *Rooker-Feldman* doctrine. That doctrine recognizes that, because federal district courts do not have appellate jurisdiction over state-court judgments, district courts cannot review suits by “state-court losers complaining of injuries caused by state-court judgments” that “invit[e] district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).

Petitioner does not dispute that she seeks federal court appellate review of her state-court judgment. Petitioner’s theory is that the federal district court nonetheless should have jumped in midstream to void the state-court judgment because her state-court appeal challenging that state-court judgment was pending. But the fact that further state-court review of petitioner’s state-court judgment remained possible was more reason to forgo federal-court intervention, not less. Petitioner’s theory—that federal district courts gain appellate jurisdiction when the state appellate process is not yet exhausted—is logically and doctrinally unsound.

In any event, this case does not implicate any clean split and is a poor vehicle. While petitioner argues that a split has developed over whether *Rooker-Feldman* applies when a “state-court decision ... remains subject to further review in state court,” Pet. I, none of the cases in her split involves facts like this: a self-imposed state-court stay and an unappealable consent order. Every indication is that her case would have come out the same in

other circuits. The petition also suffers from multiple vehicle problems, ranging from the unappealable nature of her consent order in Maryland state court to the meritless nature of petitioner's duress claim.

The petition should be denied.

STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 1257(a) 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.

28 U.S.C. § 1331 provides:

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

STATEMENT

A. Factual Background

1. Through its predecessors, respondent the University of Maryland Medical System (UMMS) has been delivering medical care to patients in Maryland for over two centuries. Across a network of hospitals, and in affiliation with the University of Maryland School of Medicine (the nation's first public medical school), UMMS provides 25 percent of all hospital care in the State today. UMMS

serves patients across the full spectrum of medical specialties, including the especially challenging specialty of psychiatric care. This case—and an onslaught of seven other lawsuits filed by petitioner and her family—arises from petitioner’s nearly three-month admission to the inpatient psychiatry service at BWMC.

Petitioner has been diagnosed with schizophrenia. Compl. ¶¶ 32-33, *Doe v. Univ. of Md. Med. Sys. Corp.*, No. 23-cv-3318 (D. Md. Dec. 6, 2023), Dkt. 1 (“23-3318 Compl.”). She has been admitted to hospitals for inpatient psychiatric treatment multiple times. Compl. ¶ 44, D. Ct. Dkt. 1; 23-3318 Compl. ¶¶ 29-30. Petitioner’s primary provider, Dr. Phyllis Heffner, who is not affiliated with UMMS, attributes petitioner’s mental-health challenges to “Hashimoto’s Thyroiditis and Non-Celiac Gluten Sensitivity,” which allegedly “cause[] changes in T.M.’s mental status upon ingesting any amount of gluten.” Compl. ¶ 28. During “episodes of psychosis,” petitioner allegedly “displays behaviors consistent with schizophrenia, delusional disorder, and bi-polar disorder.” 23-3318 Compl. p. 2.

Petitioner executed a document entitled “Advance Directive and Appointment of Healthcare Agent” in July 2022. Compl. ¶ 33. That document—had it complied with Maryland law—stated that it granted petitioner’s parents the “authority to approve [petitioner’s] admission to or release from a psychiatric hospital or unit.” Ex. 4 (Advance Directive) 6, *Doe v. Univ. of Md. Med. Sys. Corp.*, No. 23-cv-1572 (D. Md. June 19, 2023), Dkt. 14-4. Maryland law requires a directive to be signed by two witnesses and specifies that “[t]he health care agent of the declarant may not serve as a witness.” Md. Code Ann., Health-Gen. § 5-602(c)(2)(ii). Because petitioner’s mother (A.M.) witnessed the document *and* was appointed as a healthcare

agent in the same document, the purported Advance Directive was invalid. *See* Mem. Op. 2, 19-22, *Doe*, No. 23-cv-3318 (D. Md. Sept. 18, 2024), Dkt. 30 (“23-3318 Mem. Op.”).

2. On March 23, 2023, petitioner experienced a “state of psychosis, leading to agitation and aggression.” Compl. ¶ 42. The police took her to BWMC for immediate evaluation. *Id.* Hospital providers knew that petitioner had previously been admitted for psychiatric evaluation and treatment. 23-3318 Compl. ¶¶ 29-30.

Petitioner’s father allegedly notified the hospital of the purported Advance Directive and requested petitioner’s voluntary admission. Compl. ¶¶ 43, 57. But hospital providers believed the purported Advance Directive was “not valid” under Maryland law. 23-3318 Compl. ¶ 32. Maryland law obligated the hospital to independently and promptly evaluate petitioner to determine if she met “the requirements for involuntary admission,” Md. Code Ann., Health-Gen. § 10-624(b)(3), rather than take the patient’s parents at their word.

Respondent Dr. Thomas J. Cummings, a board-certified psychiatrist, evaluated petitioner. 23-3318 Compl. ¶¶ 31-33. He noted that her primary-care psychiatrist, Dr. Heffner, had diagnosed petitioner with “gluten induced psychosis” and “weaned [her] off ... antipsychotic medication” following her previous psychiatric admission. *Id.* ¶¶ 31-32. Dr. Cummings concluded there was “[m]inimal scientific and clinical evidence to support” Dr. Heffner’s diagnosis and diagnosed petitioner with schizophrenia, consistent with past diagnoses. *Id.* ¶¶ 32-33; *see* Ex. 13 (Clinical Review Panel Order) 2, *Doe*, No. 23-cv-1572 (D. Md. June 19, 2023), Dkt. 14-13. Following Dr. Cummings’ assessment, the hospital sought petitioner’s involuntary admission for her own protection. *See* 23-3318 Compl. ¶ 52.

3. Maryland law imposes detailed requirements for the involuntarily admission and treatment of psychiatric patients. Md. Code Ann., Health-Gen. § 10-632. Among them, an Administrative Law Judge (ALJ) from the Office of Administrative Hearings must promptly hold a hearing to determine if the patient should remain involuntarily admitted. *Id.* § 10-632(b). Following the hearing, the patient must be discharged *unless* the ALJ finds that the patient (1) has a mental disorder, (2) needs in-patient care, (3) presents a danger to herself or others, (4) is unable or unwilling to be voluntarily admitted, and (5) there is no less restrictive treatment. *Id.* § 10-632(e)(2).

As required, the Office of Administrative Hearings set a hearing before an ALJ on April 11, 2023. Compl. ¶ 58. At the hearing, Dr. Cummings testified that petitioner was “very, very impaired cognitively,” and that petitioner’s “father was coercing her to request a voluntary admission.” *Id.* ¶¶ 64-65. He added that petitioner had previously been admitted to the hospital, but despite her discharge plan, there was “zero improvement at all in any hygiene, self-grooming, [or] self-care, despite living with a loved one.” 23-3318 Compl. ¶ 66. Indeed, the “same hair tie from the last admission [was] embedded, deeply matted in her hair.” *Id.*

The ALJ ordered petitioner to remain involuntarily admitted. Compl. ¶ 61. The ALJ found that petitioner “ha[d] a mental disorder,” “[wa]s in need of institutional care or treatment,” “present[ed] a danger to” the safety of herself and others, was “unable or unwilling to be voluntarily admitted,” and there was “no less restrictive

form of intervention.” Ex. 5 (ALJ Decision) 2, *Doe*, No. 23-cv-1572 (D. Md. June 19, 2023), Dkt. 14-5.¹

4. On April 20, 2023, petitioner’s father filed the first of eight lawsuits related to petitioner’s admission and treatment at BWMC. Suing BWMC and UMMS in Maryland state court, he sought judicial recognition of the purported Advance Directive and his own alleged appointment as petitioner’s designated healthcare agent. *J.M. v. Balt. Wash. Med. Ctr.*, No. C-02-CV-23-764 (Md. Cir. Ct., Anne Arundel Cnty.); Compl. ¶ 8 (describing lawsuit).

Meanwhile, the hospital continued with petitioner’s mental-health treatment. Petitioner’s doctors concluded that, given petitioner’s history of non-compliance with oral medications, she should be given an injectable, extended-release form of the psychiatric medication that petitioner had been taking orally. *See* Compl. ¶¶ 78, 107, 110. After petitioner repeatedly refused the injectable form of the recommended medication, the hospital convened two separate Clinical Review Panels. *Id.* ¶¶ 78, 89. Under Maryland law, a panel must be comprised (and was in fact comprised) of the clinical director of the psychiatric unit, a psychiatrist, and a mental-health professional. Md. Code Ann., Health-Gen. § 10-708(c)(1); Clinical Review

¹ Petitioner appealed the ALJ’s involuntary-admission decision. *See* 23-3318 Mem. Op. 7; *In re T.M.*, No. C-02-CV-23-842 (Md. Cir. Ct., Anne Arundel Cnty.). After petitioner’s discharge from the hospital, the circuit court reversed the ALJ’s decision but did not remand the matter or order other relief since petitioner had been discharged. Op. 5, *In re T.M.*, No. 2330 (Md. App. Ct. Apr. 22, 2025). The court held that the ALJ erred in involuntarily admitting petitioner and that the hospital should have honored petitioner’s Advance Directive because it never “officially challenged” the directive’s “validity and enforceability.” 23-3318 Mem. Op. 7-8 (citation omitted). The Maryland Appellate Court dismissed respondents’ appeal as moot, given petitioner’s discharge. Op. 10, *In re T.M.*, No. 2330 (Md. App. Ct. Apr. 22, 2025).

Panel Order 7. A panel may approve involuntary medication only if it finds that (1) the “medication [wa]s prescribed by a psychiatrist” to treat a mental disorder; (2) the “administration of [the] medication represent[ed] a reasonable exercise of professional judgment”; and (3) “[w]ithout the medication, the individual [wa]s at substantial risk of continued hospitalization.” Md. Code Ann., Health-Gen. § 10-708(g).

Both panels approved the injection of the recommended psychiatric medication. Compl. ¶¶ 78, 110. The second panel concluded, on April 27, 2023, that petitioner “[was] at risk of being a danger to herself and others,” and that petitioner would “relapse into a condition in which [petitioner] is unable to provide for [her] essential human needs of health or safety.” *Id.* ¶ 108. The panel added that petitioner had a “history of non-compliance” with oral medications and that she had “relapsed and [been] readmitted multiple times with psychosis [and] agitation due to non-compliance with medication.” Clinical Review Panel Order 3-5.

Although the hospital twice received approval to administer the extended-release antipsychotic injection to petitioner, the hospital never did so.

Meanwhile, petitioner appealed the second panel’s finding. Compl. ¶ 111; Md. Code Ann., Health-Gen. § 10-708(l)(1). Following the “de novo” hearing, the ALJ affirmed the panel. Md. Code Ann., Health-Gen. § 10-708(l)(6); Compl. ¶ 130. The ALJ found that petitioner was diagnosed with schizophrenia, needed medication to avoid endangering herself or others, and was likely to relapse after being discharged absent the injection. Compl. ¶ 130; ALJ Order 2, *Doe*, No. 23-cv-1572 (D. Md. June 19, 2023), Dkt. 14-15. The ALJ also determined that the standard in *Sell v. United States*, 539 U.S. 166 (2003), was satisfied. ALJ Order 3. Specifically, petitioner remained

“a danger through continued ag[itation and irritable behavior including threat[en]ing staff o[r] peers with physical threats,” such as her threat to “shoot” staff on April 16, 2023. *Id.*

Petitioner appealed the ALJ’s decision to a Maryland circuit court on May 3, 2023. Compl. ¶ 9; *In re T.M.*, No. C-02-CV-23-902 (Md. Cir. Ct., Anne Arundel Cnty.); *see* Md. Code Ann., Health-Gen. § 10-708(m)(1).

5. Petitioner filed yet another lawsuit on May 5, 2023. This time, petitioner sought a writ of habeas corpus in Maryland state court. *T.M. v. Balt. Wash. Med. Ctr.*, No. C-02-CV-23-910 (Md. Cir. Ct., Anne Arundel Cnty.); Compl. ¶ 10 (describing lawsuit). Petitioner was represented by five attorneys: James Billings-Kang of Cozen O’Connor; Steven Leitess, Andrew White, and Todd Hesel of Silverman Thompson Slutkin & White; and Michael McGraw of Cochran & Chhabra.

Just three weeks later—and with all her lawsuits still pending—petitioner once again sought relief in state court. She commenced a separate lawsuit and filed three emergency motions for judicial release on May 28, May 30, and June 6, 2023. *See* Compl. ¶ 11 (describing lawsuit); *T.M. v. Balt. Wash. Med. Ctr.*, No. C-02-CV-23-1066 (Md. Cir. Ct., Anne Arundel Cnty.).

A mere three days after filing her last emergency motion, petitioner switched forums. On June 9, 2023, she sued respondents UMMS, BWMC, Dr. Cummings, BWMC’s counsel, and Kathleen McCollum, BWMC’s President, in federal court. *Doe v. Univ. of Md. Med. Sys. Corp.*, No. 23-cv-1572 (D. Md.). The same set of five attorneys represented petitioner. She brought due-process claims seeking damages, a declaratory judgment that her admission and potential injection were unlawful, and an injunction requiring her immediate discharge from the

hospital. Compl. p. 49, *Doe*, No. 23-cv-1572 (D. Md. June 19, 2023), Dkt. 14; TRO Mot. 14, *Doe*, No. 23-cv-1572 (D. Md. June 19, 2023), Dkt. 17-1.

At this point, petitioner and her family had created a sprawling web of six lawsuits: (1) J.M.’s advance-directive suit, (2) the appeal of the ALJ’s involuntary-admission order, (3) the appeal of the panel’s order for medication administration, (4) petitioner’s habeas case, (5) her motions for emergency release, and (6) the federal due-process lawsuit.

Back in the state-court habeas case, petitioner, her counsel, and respondents negotiated a settlement agreement, which outlined the conditions for petitioner’s safe discharge from the hospital. *See* Compl. ¶ 182; Pet.App.24a. Under Maryland law, the hospital could not discharge petitioner without developing a discharge plan that “assess[ed] [petitioner’s] needs,” provided her or the persons responsible for her care with “written discharge instructions,” and “help[ed] ensure that continuity of care, treatment, and services [were] maintained.” *See* Md. Code Ann., Health-Gen. § 19-308.8(c). Failure to craft a safe discharge plan for a patient risks a penalty of up to \$10,000. *Id.* § 19-308.8(d).

At *petitioner’s* counsel’s request, the state court entered the settlement agreement as a consent order. *See* Pet.App.24a. The consent order, which mimicked the parties’ agreed-upon discharge plan, provided that:

- Petitioner should “obtain a new treating psychiatrist;”
- Petitioner should “regularly meet ... with a third-party provider regarding her treatment;”
- Petitioner should “accept a referral to the Anne Arundel Crisis Intervention Team” and follow its recommendations;

- Petitioner should “take all prescribed medications;”
- Petitioner’s parents should encourage petitioner to take her prescribed medications and notify her providers and the intervention team if she becomes noncompliant; and
- Petitioner and her parents should “dismiss with prejudice all of [their] pending actions against” UMMS, BWMC, and their employees.

Pet.App.24a. Because the consent order provided no enforcement mechanism, the only potential avenue for enforcing the order would be a state-court contempt proceeding brought by the court or the parties. *See* Md. R. 2-631; Md. R. 15-206(b); Md. R. 2-648. In the two years since entry of the consent order, neither party has attempted to enforce it.

BWMC discharged petitioner on June 12, 2023.

Despite asking the state court to enter the consent order documenting her safe discharge, petitioner (now represented by new counsel) refused to dismiss the consent-order proceeding as required by the parties’ agreement and instead appealed the consent order to the Maryland Appellate Court two weeks after its entry. *See T.M. v. Balt. Wash. Med. Ctr., Inc.*, No. ACM-REG-878-2023 (Md. App. Ct.); Pet.App.24a-25a.

Meanwhile, petitioner’s previous five attorneys dismissed the federal due-process lawsuit with prejudice. *See* Notice of Dismissal, *Doe*, No. 23-cv-1572 (D. Md. June 26, 2023), Dkt. 20.

B. Procedural Background

1. This suit, which is now before this Court, commenced less than two weeks after petitioner’s discharge from BWMC. On June 22, 2023, with the same counsel

who appealed the consent order, petitioner and her parents sued UMMS, BWMC, Dr. Cummings, Ms. McCollum, Be-Live-It Therapy LLC, and Anne Arundel County. Pet.App.24a; Compl. pp. 1-2. Petitioner alleged that the consent order was entered into under duress and was unconstitutional.

The complaint alleged that petitioner and her attorneys had to choose between challenging petitioner's involuntary admission in the courts while petitioner remained admitted or negotiating the consent order "to gain [petitioner]'s freedom" and avoid the injection of psychiatric medication. Compl. ¶ 181. Plaintiffs further alleged that the consent order—which contained no specific enforcement mechanism—imposed "patently unconstitutional" conditions that violated petitioner's due-process rights. *Id.* ¶ 187.

2. Plaintiffs thereafter moved for a temporary restraining order preventing the consent order's "enforcement." TRO Motion 7, D. Ct. Dkt. 6. After a hearing, the district court denied the motion. TRO Order, D. Ct. Dkt. 34.

At the hearing, the district court expressed skepticism about the merits of the duress claim. The court observed that petitioner was "highly represented," with "five lawyers from three different law firms" during the consent-order proceedings. TRO Hr'g Tr. 5, 29-30, D. Ct. Dkt. 35. The court suggested that it was implausible that five lawyers "counseled their client to essentially pretend to agree to these things just to get [petitioner] out." *Id.* at 10. The court further observed that those same lawyers dismissed the federal case with prejudice. The district court commented: "if you truly believe your clients were under duress entering into an agreement, ... I don't see how as an attorney you then dismiss the claim with prejudice." *Id.* at 21.

The court added that the claimed source of duress—choosing between two imperfect options—is an inherent function of settlement. Settlements always require “compromise[s]” to avoid “facing potential consequences,” and parties frequently do not end up with “their ideal position.” *Id.* at 9-10. The court noted that the claim might set a “dangerous” precedent—parties could “enter a negotiated settlement,” get the benefit of their bargain, “and then claim duress to try to keep [the other] side from enforcing” the remainder of the settlement. *Id.* at 6, 26-27.

3. The UMMS-related respondents moved to dismiss the instant suit on October 23, 2023.² Just a few days later, on October 31, 2023, petitioner asked the Maryland Appellate Court to stay her appeal of the consent order. Pet.App.25a. In her motion, petitioner claimed that the state-court “matter is premised on the same facts and events at issue in [this federal-court case].” Letter Ex. 1, D. Ct. Dkt. 81-1. “To prevent inconsistent rulings and preserve judicial resources,” she requested “that this appeal be stayed until the outcome of the federal case.” *Id.* The Maryland Appellate Court entered a stay, which remains in effect. *See* Pet.App.25a, 36a-37a.

Back in federal court, the district court granted respondents’ motion to dismiss. Pet.App.35a. The court held it lacked jurisdiction over the proceedings under the *Rooker-Feldman* doctrine. Although the doctrine has a “narrow scope,” the court reasoned that petitioner’s case checked every box. Pet.App.27a-32a.

First, “she qualifie[d] as a ‘state-court loser,’ complaining of injuries suffered in state court.” Pet.App.28a. Second, her claims attacked the consent order rather than

² The court dismissed Anne Arundel County without opposition from plaintiffs, and the clerk entered default against Be-Live-It Therapy. Pet.App.21a n.1. As a result, neither entity is a respondent here.

defendants’ “underlying conduct.” Pet.App.28a. Third, the consent order “ha[d] become sufficiently final to trigger *Rooker-Feldman*,” given “the stay of the pending state appeal.” Pet.App.30a. Indeed, the record showed that petitioner “herself sought to bypass the Supreme Court’s appellate jurisdiction under 28 U.S.C. § 1257(a)’ by requesting and obtaining the stay of the state appeal.” Pet.App.30a-31a (citation omitted). Petitioner thus had “frustrated the Supreme Court’s exclusive jurisdiction over the state court judgment” and “impermissibly attempted to circumvent the state system to seek review of the unfavorable state judgment in this federal court of first instance.” Pet.App.31a (cleaned up). Finally, petitioner’s claims invited “district court review and rejection of a state-court judgment.” Pet.App.32a (citation omitted).³

4. The Fourth Circuit affirmed. Pet.App.2a. The court reasoned that petitioner’s case “bears an uncanny resemblance to *Rooker*.” Pet.App.7a. As in *Rooker*, petitioner sued in federal district court, complained about a state-court judgment, argued the judgment violated the Constitution, and sought a declaration that the state-court judgment was “void” and “unenforceable.” Pet.App.7a-8a (citation omitted).

Moreover, petitioner’s case lacked “any of the circumstances that led the Supreme Court to hold that the *Rooker-Feldman* doctrine did not apply in *Exxon*.” Pet.App.8a. Petitioner filed the federal lawsuit after entry of the state-court judgment. Pet.App.8a. She sought to “undo” the state-court judgment, rather than merely to “protect” herself if she lost in state court. Pet.App.8a-9a.

³ The court also dismissed petitioner’s parents’ claims for failure to assert a claim for relief under 42 U.S.C. § 1983. Pet.App.34a-35a. The Fourth Circuit affirmed. Pet.App.19a-20a.

In addition, she invited the district court to review and reject the state-court judgment, not merely to relitigate previously decided issues. Pet.App.9a. As a result, petitioner’s claim satisfied the four *Exxon* requirements. Pet.App.10a-14a.

The court of appeals rejected petitioner’s argument that *Rooker-Feldman* did not apply because the Maryland Supreme Court had not yet passed on the judgment. Pet.App.15a. The court concluded that *Exxon* did not limit the *Rooker-Feldman* doctrine to final state-court judgments. Pet.App.15a-16a. The court also found no support for petitioner’s argument in 28 U.S.C. § 1257(a), “the law that forms part of the basis for the *Rooker-Feldman* doctrine.” Pet.App.16a. Congress’ decision to withhold from the Supreme Court jurisdiction over intermediary state-court decisions did not suggest that inferior district courts somehow enjoy jurisdiction over those same judgments. Pet.App.16a.

As a result, although “few claims warrant dismissal under the *Rooker-Feldman* doctrine,” petitioner’s claims “fit the bill.” Pet.App.20a. The court thus affirmed dismissal of T.M.’s claims, though modified the dismissal to be without prejudice. Pet.App.2a.

5. While this case was still pending in the district court, on December 6, 2023, petitioner filed yet another federal lawsuit against the UMMS-related respondents, bringing the grand total to eight lawsuits. *See generally* 23-3318 Compl. That lawsuit again centered on petitioner’s involuntary psychiatric admission and the order for injectable psychiatric medication. This time, however, petitioner brought claims for disability discrimination under federal law, and state-law battery and false imprisonment claims. *Id.*

The district court dismissed that complaint on the merits. 23-3318 Mem. Op. 7. The court dismissed the disability-discrimination claim based on the purported Advance Directive because that document did not meet “the requirements and conditions of ... the Health Care Decisions Act,” since petitioner’s mother both witnessed the document and was appointed a health care agent. *Id.* at 20. The disability-discrimination claim based on respondents’ medical care failed because allegedly inadequate healthcare is not disability discrimination. *Id.* at 23-24. Finally, the court dismissed petitioner’s state-law claims for failure to comply with the Maryland Health Claims Act’s mandatory arbitration process. *Id.* at 30-32; Md. Code Ann., Cts. & Jud. Proc. § 3-2A-01. Petitioner’s appeal from that decision is pending before the Fourth Circuit. *See* 4th Cir. No. 24-1994.

REASONS FOR DENYING THE PETITION

The petition should be denied. Petitioner claims the circuits have split over whether federal district courts can review state-court judgments that are subject to further state-court review. None of the cases petitioner cites involved an unappealable consent order or a plaintiff who stymied the state appellate process by moving for a stay. The case law suggests that petitioner would have lost under *Rooker-Feldman* anywhere. This case is also a poor vehicle for resolving the question presented: Petitioner’s consent order is likely not subject to further state-court review at all, and the jurisdictional holding is not outcome determinative because petitioner’s underlying duress claim lacks merit. Moreover, the Fourth Circuit was correct. The district court lacked jurisdiction because the suit essentially sought appellate review of a state-court judgment, and Congress did not grant federal district courts appellate jurisdiction in 28 U.S.C. § 1331. That

conclusion does not change simply because further state-court appellate review may have been possible.

I. No Entrenched Split Is Implicated Here

Petitioner (at 14) asserts a split over “whether the *Rooker-Feldman* doctrine can be triggered by a state-court decision that remains subject to further review.” Petitioner is unable to identify a single case from any circuit indicating that federal district courts would have jurisdiction in a case like this one.

1. This case presents an extreme outlier fact pattern yet to be confronted in any other circuit. Petitioner entered a consent order, and in Maryland “the general rule is that no appeal lies from a consent order.” *Barnes v. Barnes*, 956 A.2d 770, 782 (Md. Ct. Spec. App. 2008); *infra* pp. 24-25. Petitioner thus faced no real prospect of appellate review. She brought this federal suit while also appealing the consent order in state court. Before the state court could (likely) dismiss her appeal, however, petitioner stayed the state-court appeal for the duration of the federal litigation. Letter Ex. 1.

Petitioner cites no case with a similar sequence of events; in other words, there is no reason to think that her case would have come out differently anywhere else. In fact, every indication is to the contrary. While petitioner (at 14) asserts that several circuits have held that *Rooker-Feldman* “can be triggered by a state-court decision that remains subject to further review in state court,” she has not established that those circuits would consider this a case where the state-court decision is “subject to further review.”

The circuits on petitioner’s side of the purported split do not limit *Rooker-Feldman* to only those cases that have received “a final judgment from the highest court of a State.” *Contra* Pet. C.A.4 Br. 26. Instead, as petitioner

(at 15) acknowledges, several circuits deem a judgment sufficiently final “if the state action has reached a point where neither party seeks further action.” *See, e.g., Federación de Maestros de P.R. v. Junta de Relaciones del Trabajo de P.R.*, 410 F.3d 17, 24 (1st Cir. 2005); *Malhan v. Sec’y U.S. Dep’t of State*, 938 F.3d 453, 459 (3d Cir. 2019); *Bear v. Patton*, 451 F.3d 639, 642 (10th Cir. 2006); *Nicholson v. Shafe*, 558 F.3d 1266, 1275 (11th Cir. 2009). The Eleventh Circuit, for instance, in an unpublished decision deemed a state judgment sufficiently final, even though the plaintiff was not “time-barred from changing his mind” about an appeal. *Velazquez v. S. Fla. Fed. Credit Union*, 546 F. App’x 854, 858 (11th Cir. 2013). It was enough that the “federal plaintiff ... had lost and given up in state court.” *Id.*

Although petitioner (at 18-19) claims other circuits also limit *Rooker-Feldman* to cases where state proceedings have “ended,” these circuits have had no occasion to identify the full range of circumstances when state proceedings end. *See, e.g., Hunter v. McMahon*, 75 F.4th 62, 70 (2d Cir. 2023); *Miller v. Dunn*, 35 F.4th 1007, 1012 (5th Cir. 2022). The Fifth Circuit, for example, “has not had much occasion to clarify when exactly state proceedings end for purposes of the *Rooker-Feldman* doctrine.” *Almendarez v. City of Coppel*, 2024 WL 992191, at *5 (N.D. Tex. Mar. 6, 2024) (citing *Miller*, 35 F.4th at 1012). Absent further guidance, district courts in those circuits apply the same “persuasive” functional rule from other circuits. *Id.*; accord *Cassini v. County of Nassau*, 2024 WL 3823205, at *15-17 (E.D.N.Y. Aug. 12, 2024), *appeal docketed*, No. 24-2444 (2d Cir. Sept. 13, 2024).

If any case satisfies that functional finality test, this one does. In fact, that is exactly what the district court below concluded. When petitioner argued “that *Rooker-Feldman* could not apply to a pending state appeal that

remained on track for potential review by the U.S. Supreme Court,” the district court found that argument unpersuasive “in light of the stay.” Pet.App.30a (citation omitted). As the district court put it, “the record demonstrates that [petitioner] herself sought to bypass the Supreme Court’s appellate jurisdiction under 28 U.S.C. § 1257(a)” and “impermissibly attempted to circumvent the state system to seek [federal] review.” Pet.App.30a-31a (citation omitted). As the district court noted below (even citing a First Circuit case), the state-court litigation had “functionally ‘ended’ for purposes of *Rooker-Feldman*” because the state proceeding “reached a point where neither party [sought] further action.” Pet.App.30a (citing *Federación*, 410 F.3d at 24). The district court thus “[f]ound] that the Consent Order ha[d] become sufficiently final to trigger *Rooker-Feldman*.” Pet.App.30a.

2. A second problem plagues petitioner’s asserted split. Petitioner (at 15) claims that seven circuits would entertain “a case challenging a state-court judgment when the judgment remains subject to further review in state court.” Yet for five of the circuits—the First, Third, Seventh, Tenth, and Eleventh—petitioner cannot identify any case actually involving a suit “challenging a state-court judgment” at all.

First Circuit. Petitioner (at 15-16) lists only one case where the First Circuit declined to apply *Rooker-Feldman*, and that case did not involve a challenge to a state-court judgment. It instead involved parallel litigation over a state administrative decision: A state licensing board placed a psychologist on probation, and the psychologist both “petitioned for judicial review in the state superior court” and brought a § 1983 claim in federal court. *Coggeshall v. Mass. Bd. of Registration of Psychs.*, 604 F.3d 658, 661 (1st Cir. 2010). In a single paragraph,

the First Circuit deemed *Rooper-Feldman* “inapposite” before affirming dismissal on other grounds. *Id.* at 664.

That conclusion in *Coggeshall* is fully consistent with the Fourth Circuit’s conclusion below. “[S]tate administrative decisions,” the Fourth Circuit explained, “are ‘subject to challenge in an independent federal action,’ even if there is also a concurrent state action seeking review of that same administrative decision.” Pet.App.14a (quoting *Thana v. Bd. of License Comm’rs for Charles Cnty.*, 827 F.3d 314, 320-21 (4th Cir. 2016)). These cases involve “concurrent, independent action[s]” similar to *Exxon*, Pet.App.14a (citation omitted), and “the action of a state administrative agency” is not “a state court judgment” in the first place, *Thana*, 827 F.3d at 321. This case, however, “did not ask the [federal] court to review any state administrative action.” Pet.App.14a. Petitioner explicitly asked a federal court to declare a state-court judgment “void and unenforceable.” Pet.App.4a.

Third Circuit. In the only published case petitioner (at 17) cites from the Third Circuit, “there [was] no judgment at all.” *Malhan*, 938 F.3d at 458. The federal case concerned “findings” and “determinations” in state-court “interlocutory orders,” and the state court “ha[d] made clear” that the plaintiff’s “obligations w[ould] not change until a final divorce decree is entered.” *Id.* at 458, 462. The Third Circuit therefore asked: “does *Rooper-Feldman* apply to the family court’s interlocutory orders?” *Id.* at 458. This case does not implicate that issue.

Seventh Circuit. In petitioner’s only Seventh Circuit case (at 17) that declined to apply *Rooper-Feldman*, the plaintiff was not challenging a state-court judgment. The plaintiff merely argued that a state statute was unconstitutional on its face and alleged that officials violated his constitutional rights in proceedings to enforce that statute. *Parker v. Lyons*, 757 F.3d 701, 705 (7th Cir. 2014),

overruled by *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 402 (7th Cir. 2023). By contrast, when a plaintiff (like petitioner) brought a federal case “[i]nstead of seeking review within [the State’s] judiciary,” the Seventh Circuit held that *Rooker-Feldman* barred the claim. *Harold v. Steel*, 773 F.3d 884, 885 (7th Cir. 2014).

Tenth Circuit. In *D.A. Osguthorpe Family Partnership v. ASC Utah, Inc.*, 705 F.3d 1223, 1229-30 (10th Cir. 2013), there was again no “judgment” at all. Furthermore, *Guttman v. Khalsa*, 446 F.3d 1027, 1030 (10th Cir. 2006) was not truly a case challenging a state-court judgment. The case involved “concurrent, independent action[s]” challenging “state administrative decisions,” which the Fourth Circuit carefully distinguished below. Pet.App.14a.

Eleventh Circuit. Petitioner (at 16-17) again cites cases involving parallel claims. In *Nicholson*, a state-court action sought “an accounting for copyright profits under state law,” and then, after an adverse jury verdict, the plaintiff brought a federal case seeking “an accounting under federal law” along with a “declaratory judgment to determine the applicability of federal preemption of copyright accounting matters.” 558 F.3d at 1268-69. Similarly, in *Green v. Jefferson County Commission*, 563 F.3d 1243, 1247, 1254 (11th Cir. 2009), state and federal suits both sought money damages and an injunction of a county resolution. Although the Eleventh Circuit declined to apply *Rooker-Feldman* in both cases, each involved parallel litigation, similar to *Exxon*. That is a far cry from sanctioning a case, like this one, which looks “too much like *Rooker* to justify a different result.” Pet.App.2a.

3. Finally, the Sixth and Eighth Circuits agree with the Fourth that the availability of further state-court review is irrelevant.

Sixth Circuit. Like the Fourth Circuit, the Sixth Circuit rejected an argument that, under *Exxon*, “*Rooker-Feldman* only applies when state appeals (or the possibility thereof) are exhausted,” and “[s]tate proceedings haven’t ended when an appeal is pending.” *RLR Invs., LLC v. City of Pigeon Forge*, 4 F.4th 380, 393 (6th Cir. 2021), *cert. denied*, 142 S. Ct. 862 (2022). As the Sixth Circuit explained, “the finality of the state-court proceedings was not critical to the outcome in *Exxon*.” *Id.* So “it remains true after *Exxon* that lower federal courts possess no power whatever to sit in direct review of state court decisions.” *Id.* at 394 (citation omitted). When a federal claim explicitly “ask[s] the district court to strike down an existing state-court order,” the district court lacks jurisdiction over that claim. *Id.* at 393. While the Sixth Circuit applied that rule to a suit challenging an interlocutory order, the reasoning applies with even greater force to petitioner’s suit—which, like *Rooker*, all but appealed a state-court judgment.

Eighth Circuit. As petitioner (at 21) acknowledges, the Eighth Circuit directly addressed the question presented, and it reached the same conclusion as the Fourth and Sixth Circuits. In *Parker Law Firm v. Travelers Indemnity Co.*, 985 F.3d 579, 584 (8th Cir. 2021), the Eighth Circuit expressly rejected an argument that a pending appeal negates *Rooker-Feldman*: “[T]hat an appeal is pending in ... state courts does not mean that a federal district court has jurisdiction to consider a parallel appeal.” *Id.* Thus, because the claims in *Parker*, as here, “effectively s[ought] to appeal” a state-court judgment, *Rooker-Feldman* applied. *Id.*

While petitioner (at 21) finds tension between *Parker* and *Dornheim v. Sholes*, 430 F.3d 919, 923-24 (8th Cir. 2005), neither the Eighth Circuit in *Parker* nor any district court in the circuit has agreed. As one district put it

when facing a request to declare a state court’s order “void”: “[C]ases like this one are legion in this District, and all suffer the same fate,” even if a “state-court appeal ... was pending at the time [the plaintiff] initiated th[e] [federal] lawsuit.” *Nelson v. Clysdale*, 2025 WL 1993596, at *1, *3 (D. Minn. July 17, 2025), *appeal docketed*, No. 25-2469 (8th Cir. Jul. 25, 2025). Regardless, an intra-circuit conflict is no reason to grant certiorari.

II. The Question Presented Does Not Warrant This Court’s Review

1. The question presented does not warrant use of this Court’s scarce judicial resources. In the past twenty-five years, the Fourth Circuit had “never, ‘in a published opinion, held that a district court lacked’” jurisdiction under *Rooker-Feldman* until now. Pet.App.2a (quoting *Thana*, 827 F.3d at 320). *Rooker-Feldman* is now reserved for cases like this one that seek federal district court appellate review of state-court judgments.

Moreover, the question presented is hardly momentous. For one, any federal-law error in a state-court judgment is always ultimately reviewable by this Court. For another, in cases where the plaintiff has not exhausted her state-court appeals, there is no reason to think that federal-court intervention is needed at all; the state appellate courts will presumably correct any error in the initial judgment.

Naturally, then, the Court has denied petitions raising the question presented, including as recently as 2022 in the Sixth Circuit case cited in the petition. *E.g.*, *RLR Invs.*, 142 S. Ct. 862; *Sowell v. Tinley, Renahan & Dost, LLP*, 141 S. Ct. 668 (2020); *Pieper v. Am. Arb. Ass’n*, 540 U.S. 1182 (2004).

2. Even if the Court concludes that the question presented warrants its review, this is hardly the right case,

as the facts do not squarely implicate the question presented. Petitioner asks the Court to decide whether *Rooker-Feldman* “can be triggered by a state-court decision that remains subject to further review in state court.” Pet. I. But because this case involves a non-appealable consent order, there is no state-court decision truly subject to further state-court review. *Supra* p. 17.

There are exceptions to Maryland’s bar on consent-order appeals, including when “there was no actual consent because the judgment was coerced.” *Suter v. Stuckey*, 935 A.2d 731, 739 n.10 (Md. Ct. App. 2007). There, the party appealing the consent order generally must show that, *on the record before the trial court*, the absence of consent was apparent. *See Barnes*, 956 A.2d at 786-87; *Casson v. Joyce*, 346 A.2d 683, 685 (Md. Ct. App. 1975). Challenging parties must “object to ... entry” of the consent order before the trial court “to preserve for appellate review issues concerning the judgment and merits.” *Pettiford v. Next Generation Tr. Serv.*, 226 A.3d 15, 29 (Md. Ct. App. 2020). For instance, Maryland courts have allowed consent-order appeals when the court and opposing counsel knew that one party “was not consenting to the decree two days before it was signed.” *Dorsey v. Wroten*, 935 A.2d 577, 579 (Md. Ct. Spec. App. 1977).

None of these circumstances are present here. The “Consent Order” states it was executed based on “an agreement reached by the parties,” and each of petitioner’s five attorneys signed the document, indicating they “approved as to form and content.” Compl. Ex. 3 (emphasis omitted). The consent order thus complies with the “safer and better practice” established in *Mercantile Trust Co. of Baltimore v. Schloss* that the order should “state ... that it was passed by consent, or the consent of the parties indorsed thereon.” 166 A. 599, 602 (1933). Moreover, at the TRO hearing, the district court reviewed

exhibits and observed that “it seems clear ... from these e-mails that the lawyers did not believe that this was a duress situation and they did believe that they had an enforceable consent order.” *See* TRO Hr’g Tr. 30. Even after hearing testimony from petitioner’s father, the district court “continue[d] to believe we have a real issue in terms of [showing] duress,” *id.* at 62, and concluded there was no “factual basis” for granting the TRO, *id.* at 65-66. Likely, the only reason why petitioner’s state-court appeal has not already been dismissed is because she chose to stay that appeal, preventing the state court from doing so.

3. Finally, petitioner’s duress claim is meritless, and this Court should not prolong the attacks against respondents’ professional and compassionate attempts to treat petitioner’s acute psychiatric illness.

a. *First*, petitioner was “highly represented” in the consent-order proceeding, with “five lawyers from three different law firms.” *Id.* at 5, 30. It defies logic that all five attorneys would sign a consent order that was produced by duress and that harmed their client’s interests. As the district court explained, petitioner’s theory is that “these five lawyers essentially counseled their client to pretend to agree to conditions that they are then going to argue are coercive or constitute duress.” *Id.* at 10.

b. *Second*, petitioner’s complaint that she was “coerced” because she had to make difficult compromises is inherent in any compromise-based settlement, as the district court recognized. Both parties faced “potential consequences they [did]n’t like” and “reach[ed] a compromise position to get somebody out. It might not be their ideal position. In fact, it usually isn’t. That’s the nature of a settlement.” *Id.* at 9-10.

c. *Third*, following entry of the consent order, the same team of lawyers “dismissed the [other federal] case [before Judge Gallagher] ... with prejudice after seeing this ... lawsuit had been filed.” *Id.* at 5. As the district court queried, “if you truly believe your clients were under duress entering into an agreement,” why “as an attorney [would] you then dismiss the claim with prejudice.” *Id.* at 21.

d. *Fourth*, allowing vacatur of the consent order could set a “dangerous” precedent. *Id.* at 26-27. Parties could settle, get the benefit of the bargain, and then claim duress to block the other side from doing the same. *Id.* That dynamic is particularly salient here, because petitioner’s request is *not* to maintain the status quo. Rather, petitioner wants “to revoke ... the benefits one party received from the consent order while allowing [petitioner and her parents] to retain the benefits that they received” from the same order. *Id.* at 24. As a result, parties would be incentivized to follow petitioner’s example by having “one set of attorneys negotiate an agreement,” and then hiring “a new attorney and try to unwind the thing and arguing duress based on ... deciding to comply with the advice being given, ... by the first set of attorneys.” *Id.* at 31-32.

III. The Decision Below Is Correct

1. The court of appeals correctly held that the district court lacked jurisdiction to hear this suit.

“[C]ases brought by state-court losers complaining of injuries caused by state-court judgments” that “invit[e] district court review and rejection of those judgments” are properly viewed as suits seeking federal appellate “review and revers[al]” of “unfavorable state-court judgments,” not as original suits. *Exxon*, 544 U.S. at 283-84. But “appellate jurisdiction to reverse or modify a state-court judgment is lodged ... exclusively in this

Court.” *Id.* at 283. “Federal district courts,” by contrast, “are empowered to exercise original, not appellate, jurisdiction.” *Id.* Federal district courts thus lack power to adjudicate suits that seek review and rejection of state-court judgments.

Those principles resolve this case. Petitioner does not challenge the Fourth Circuit’s holding that T.M.’s suit “complain[s] of injuries caused by a state court judgment and seeks district court review and rejection of that judgment.” Pet.App.12a (cleaned up). Nor does petitioner claim that federal district courts have appellate jurisdiction to review state-court judgments simply because the state judgment “remains subject to further review in state court.” Pet. I. The Fourth Circuit therefore correctly held that the district court below lacked jurisdiction to adjudicate petitioner’s suit.

2. Petitioner (at 22) emphasizes federal courts’ obligation to exercise the jurisdiction they are given; however, Congress did not give federal district courts appellate jurisdiction to review state-court judgments like this one. *Exxon*, 544 U.S. at 283.

Petitioner (at 22-24, 27) also bases her argument on the fact that 28 U.S.C. § 1257 provides this Court jurisdiction over only “[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had.” However, limits on this Court’s certiorari jurisdiction do not create district-court appellate jurisdiction.

Petitioner misunderstands *Rooker-Feldman* as solely rooted in a negative implication from section 1257’s limited grant of jurisdiction. This Court has explained that *Rooker-Feldman* “merely recognizes that 28 U.S.C. § 1331 is a grant of original jurisdiction, and does not authorize district courts to exercise appellate jurisdiction over state-court judgments, which Congress has reserved

to this Court.” *Exxon*, 544 U.S. at 292 (quoting *Verizon Md. Inc. v. Public Serv. Comm’n of Md.*, 535 U.S. 635, 644 n.3 (2002)). Section 1331 does not grant district courts appellate jurisdiction to review state-court judgments simply because a state judgment is susceptible to state appellate review.

Indeed, in *Feldman*, this Court addressed the Fifth Circuit’s reasoning that a “limit on [this Court’s] certiorari jurisdiction” means “that a federal district court has jurisdiction.” *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482 n.16 (1983) (The alleged limit at issue was this Court’s potential lack of “jurisdiction” to review state-court judgments when the petitioner failed to raise the federal constitutional issue in state court. *Id.*) This Court was unequivocal: That “reasoning ... is flawed” because “lower federal courts possess no power whatever to sit in direct review of state court decisions,” and “the fact that [this Court] may not have jurisdiction to review a final state court judgment because of a petitioner’s failure to raise his constitutional claims in state court does not mean that a United States District Court should have jurisdiction over the claims.” *Id.* That same flaw dooms petitioner’s negative-inference theory.

If anything, the fact that section 1257 grants this Court jurisdiction to review state-court judgments *only if* the state appellate process has been exhausted makes it all the more implausible that Congress intended that federal district courts could jump in midstream to review unexhausted state-court judgments. In that scenario, federal district courts would have *more* authority to review state-court judgments than this Court, which actually has statutorily grounded jurisdiction to review state-court judgments. It is even stranger to presume that Congress intended for federal district courts to review state-court

consent decrees that the state appellate courts will not review.

Exxon does not help petitioner. *Contra* Pet. 23-24. *Exxon* “h[e]ld” that *Rooker-Feldman* is “confined 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.” 544 U.S. at 284. Petitioner does not challenge the Fourth Circuit’s holding that this is such a case. *See* Pet.App.12a.

It is petitioner, not the Fourth Circuit, that reads *Exxon* like “a statute.” Pet. 26 (citation omitted). *Exxon*’s observation that *Rooker* and *Feldman* involved fully exhausted state-court judgments does not make that procedural history a rule of law. Pet.App.16a; *RLR Invs.*, 4 F.4th at 392. Concluding otherwise would implausibly read this Court’s factual observations in *Exxon* as silently expanding district courts’ subject-matter jurisdiction. If district courts cannot adjudicate suits that seek to “undo the [state] judgment,” *Exxon*, 544 U.S. at 293, that holds true regardless of whether the state-court judgment is still subject to state appellate review.

Petitioner (at 25) sees “no practical need for *Rooker-Feldman* to extend to state-court judgments that remain subject to further review.” But federal-court review of yet-to-be-appealed state-court judgments would be far more disruptive and disrespectful than review by this Court that orderly follows the state’s appellate process. Cases like this do not involve mere “parallel litigation,” *contra* Pet. 25; they involve an effort to have a federal district court invalidate a state-court judgment without affording state appellate courts the opportunity to have a say. As now-Judge Rushing has explained, it is in precisely these cases—where the plaintiff is “seeking what is essentially review of a state judgment *while state appeals*

are still pending”—that “*Rooker-Feldman* [is] necessary to prevent the inappropriate federal appeal of the state court judgment.” Allison B. Jones, *The Rooker-Feldman Doctrine: What Does It Mean To Be Inextricably Intertwined*, 56 Duke L.J. 643, 656 (2006) (emphasis added). “[F]ederalism certainly counsels that ... the *Rooker-Feldman* doctrine is necessary to protect state courts in these instances.” *Id.*

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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