

No. 25-197

In the Supreme Court of the United States

T.M., PETITIONER

v.

UNIVERSITY OF MARYLAND
MEDICAL SYSTEM CORPORATION, ET AL.

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

REPLY BRIEF FOR THE PETITIONER

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There is a broad and entrenched conflict among the courts of appeals on the question whether the *Rooker-Feldman* doctrine can be triggered by a state-court decision that remains subject to further review in state court. Ten different courts of appeals have now addressed that question, with the clear majority holding that the answer is no—consistent with this Court’s exhortation that the doctrine should be “confined to cases of the kind from which [it] acquired its name.” *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005). In the decision below, the court of appeals acknowledged the conflict but adopted the minority rule, expanding the doctrine in defiance of this Court’s directive. The Court’s

guidance is needed to limit the “mischief” long caused by *Rooker-Feldman*, see *VanderKodde v. Mary Jane M. Elliott, P.C.*, 951 F.3d 397, 405 (6th Cir. 2020) (Sutton, J., concurring), and this case is an ideal vehicle for providing it.

Respondents’ reasons for denying review are feeble. With respect to the conflict: respondents speculate that *all seven* of the courts of appeals on petitioner’s side of the conflict would have applied *Rooker-Feldman* on the facts of this case because it involves a consent order in state court. But each of those courts adopted the precise rule that petitioner espouses, and nothing in their opinions suggests they would not apply it here. That is why the court of appeals below acknowledged the conflict and felt obliged to pick a side. Respondents also attempt to identify other distinctions for the cases in the conflict, but none of those supposed offramps stopped any of the courts from squarely addressing and deciding the question presented.

With respect to the merits: both 28 U.S.C. 1257 and this Court’s precedents support the conclusion that a federal district court retains jurisdiction over a claim implicating a state-court judgment that remains subject to further review in the state judicial system. Respondents suggest that the district court lacked jurisdiction because petitioner’s case required the exercise of appellate jurisdiction, which a district court generally lacks. But petitioner brought a new case in federal district court, invoking a federal cause of action, to be decided on a new record based on a legal theory that was not before the state trial court. That is the quintessential exercise of a federal district court’s original jurisdiction. Respondents offer no other meaningful defense of their proposed expansion of the *Rooker-Feldman* doctrine.

Finally, respondents seek to raise vehicle concerns with this case. But none of those concerns is a genuine obstacle to the Court's review; instead, respondents simply disagree with petitioner's position on the underlying merits of her state appeal and her federal lawsuit. To state the obvious, this Court need not concern itself with the merits of those suits in order to decide the jurisdictional question presented. Because this case cleanly presents a broad and acknowledged circuit conflict on an important question of federal law, the petition for a writ of certiorari should be granted.

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

Respondents do not dispute that the courts of appeals are divided on the question presented. And for good reason: there is at least a 7-2 circuit conflict, and the court of appeals below expressly acknowledged the existence of that conflict. Respondents' efforts to avoid or diminish the conflict (Br. in Opp. 17-23) are unavailing.

1. Respondents first contend that, because the state-court proceedings here involve a stayed appeal from a consent order, this case presents an "extreme outlier fact pattern" that does not implicate the conflict. Br. in Opp. 17. If that were true, one might expect the court of appeals to have said so. Instead, the court of appeals squarely joined issue on the circuit conflict, broadly holding that "*Rooker-Feldman* is not limited to situations when a federal court plaintiff no longer has any recourse within the state system." Pet. App. 15a. While acknowledging that the state-court proceedings in both *Rooker* and *Feldman* were final and that other courts of appeals had taken "contrary views," the court of appeals expressly adopted the minority rule. *Id.* at 15a-16a.

Respondents suggest (Br. in Opp. 17-18) that the courts of appeals that have adopted the majority rule would have concluded on the facts here that the *Rooker-Feldman* doctrine applies. But respondents acknowledge (Br. in Opp. 13) that petitioner's state-court appeal remains pending, and that is sufficient under the majority rule to avoid application of *Rooker-Feldman*. Each of the courts of appeals that have adopted the majority rule has recognized that the *Rooker-Feldman* doctrine applies only where state-court proceedings had "ended." See, e.g., *Federación de Maestros de Puerto Rico v. Junta de Relaciones del Trabajo de Puerto Rico*, 410 F.3d 17, 24 (1st Cir. 2005) (quoting *Exxon Mobil*, 544 U.S. at 291). Those courts have reasoned that "state proceedings have not ended" as long as "an appeal from the state court judgment remains pending" and the losing party has not allowed "the time for appeal to expire." *Nicholson v. Shafe*, 558 F.3d 1266, 1275, 1279 (11th Cir. 2009); see, e.g., *Bear v. Patton*, 451 F.3d 639, 641-642 (10th Cir. 2006). Petitioner would plainly have prevailed under that rule if the court of appeals had adopted it.

2. Respondents also attempt to diminish the circuit conflict (Br. in Opp. 19) by arguing that some of the cases in the conflict did not involve a challenge to an actual state-court judgment. The decisions themselves belie that characterization. Each explicitly held that *Rooker-Feldman* does not limit federal jurisdiction when "an appeal from the state court judgment remains pending at the time the plaintiff commences the federal court action that complains of injuries caused by the state court judgment and invites review and rejection of that judgment." *Nicholson*, 558 F.3d at 1279; see, e.g., *Coggeshall v. Massachusetts Board of Registration of Psychologists*, 604 F.3d 658, 663 (1st Cir. 2010); *Guttman v. Khalsa*, 446 F.3d 1027, 1032 (10th Cir. 2006); *Parker v. Lyons*, 757 F.3d 701,

705 (7th Cir. 2014), overruled on other grounds by *Hadzi-Tanovic v. Johnson*, 62 F.4th 394 (7th Cir. 2023). Respondents’ post hoc characterization of the nature of the plaintiffs’ challenges cannot alter the actual holdings of the courts of appeals in the majority—and once again, it is revealing that the court of appeals in this case made no effort to distinguish any of those decisions on that ground. See Pet. App. 15a-16a.

Respondents also try to distinguish *Malhan v. Secretary, United States Department of State*, 938 F.3d 453 (3d Cir. 2019), which concerned an interlocutory state-court order and not a pending state-court appeal. Br. in Opp. 20. But in *Malhan*, the Third Circuit adopted the majority rule, unambiguously holding that *Rooker-Feldman* applies only where state-court proceedings have “ended.” See 938 F.3d at 461. The Third Circuit has subsequently confirmed that a federal district court retains jurisdiction over a challenge to a state-court judgment when a state-court appeal is pending. See *Taggart v. Saltz*, 855 Fed. Appx. 812, 814-815 (2021); *Wilson v. Altman*, 807 Fed. Appx. 172, 175 (2020).

3. In any event, even under respondents’ view, this case would implicate an entrenched and acknowledged circuit conflict. Respondents appear to recognize (Br. in Opp. 18) that, contrary to the court of appeals in the decision below, at least the Second and Fifth Circuits have unconditionally held that “*Rooker-Feldman* is inapplicable where a state appeal is pending when the federal suit is filed.” *Miller v. Dunn*, 35 F.4th 1007, 1012 (5th Cir. 2022); see *Hunter v. McMahon*, 75 F.4th 62, 69-70 (2d Cir. 2023). Respondents contend only that those courts have not “identif[ied] the full range of circumstances when state proceedings end.” Br. in Opp. 18. Whatever that means, those courts (and others) have addressed the only “cir-

cumstance” that matters for purposes of this Court’s review: namely, whether *Rooker-Feldman* can apply when a state-court appeal is pending. No matter how respondents slice it, there is a clear conflict on that question.

B. The Decision Below Is Erroneous

The court of appeals erred by applying the *Rooker-Feldman* doctrine to petitioner’s case even though her state-court proceedings remain pending. If allowed to stand, the court of appeals’ decision would extend an atextual exception to federal jurisdiction, and respondents’ arguments in defense of that extension lack merit.

1. Respondents first contend (Br. in Opp. 26-28) that the federal district court lacked jurisdiction over petitioner’s case under *Rooker-Feldman* because a federal district court exercises only original jurisdiction, except in rare circumstances, and the adjudication of petitioner’s claims would constitute an impermissible exercise of appellate jurisdiction.

But there is little doubt that, in the absence of Section 1257, the district court would have had “original jurisdiction” under 28 U.S.C. 1331 here. In the district court, petitioner was not seeking appellate review of the Maryland state-court consent order. “Appellate jurisdiction” is the “jurisdiction to revise or correct the proceedings in a cause already instituted and acted upon by an inferior court.” *Black’s Law Dictionary* 79 (1st ed. 1891). “Original jurisdiction,” by contrast, is “jurisdiction to take cognizance of a cause at its inception, try it, and pass judgment upon the law and facts.” *Id.* at 857. Petitioner brought a new case in federal district court, invoking a federal cause of action, to be decided on a new record based on a legal theory that was not before the state trial court. That is not a request to review and correct the state trial court’s decision; it is a request for resolution of a

cause of action in the first instance. Tellingly, respondents do not cite a single authority supporting their contrary view.

Moreover, respondents' contention that the district court lacked jurisdiction disregards the fact that *Rooker-Feldman* arose as a negative "implication" of Section 1257. *VanderKodde*, 951 F.3d at 407 (Sutton, J., concurring). As this Court has explained, the doctrine serves to identify "the limited circumstances in which this Court's appellate jurisdiction over state-court judgments * * * precludes a United States district court from exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate." *Exxon Mobil*, 544 U.S. at 291. In light of the "dualistic" and "complementary" relationship between federal and state courts, *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 586 (1999) (citation omitted), those courts frequently have concurrent jurisdiction, and parallel proceedings are not only permissible but expected. See 28 U.S.C. 1331; *Grove v. Emison*, 507 U.S. 25, 32 (1993); *Gulf Offshore Co. v. Mobile Oil Corp.*, 453 U.S. 473, 477-478 (1981). *Rooker-Feldman* operates as a limitation on a federal district court's original jurisdiction in the narrow circumstances when it comes into direct conflict with this Court's authority under Section 1257. Because this case does not implicate such a conflict, *Rooker-Feldman* does not operate to limit the district court's jurisdiction over petitioner's case.

2. Respondents further contend (Br. in Opp. 29) that this Court's explanation in *Exxon Mobil* that *Rooker* and *Feldman* involved federal actions filed after "state proceedings ended," 544 U.S. at 291, operated only to describe the procedural histories of those cases. But as petitioner has explained (Pet. 23-24), the *Exxon Mobil* Court clearly evinced its intent to circumscribe *Rooker-Feldman* to cases involving a final state-court judgment. For

example, as the Court explained, “[d]isposition of the federal action, once the state-court adjudication is *complete*, would be governed by preclusion law.” *Exxon Mobil*, 544 U.S. at 293 (emphasis added); see Pet. 25. Respondents offer no explanation as to why preclusion and other non-jurisdictional doctrines would be inadequate to address any concerns with disrespecting a state-court decision. See Pet. 26-30.

3. Finally on the merits, respondents warn that “federal-court review of yet-to-be-appealed state-court judgments” would be “disruptive” and create greater federalism concerns than the prospect of a state-court judgment eventually being reviewed by this Court. Br. in Opp. 29. Yet there is no evidence of such disruption in the seven circuits that have held that *Rooker-Feldman* does not apply where state-court proceedings remain pending. And once again, respondents overlook the availability of non-jurisdictional doctrines that would avoid such disruption in situations involving parallel proceedings. See, e.g., *Younger v. Harris*, 401 U.S. 37, 53-54 (1971).

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

As petitioner has explained (Pet. 27-30), the question presented is recurring and important, and this case is an optimal vehicle for addressing it. Respondents identify no valid obstacles to the Court’s review.

1. Respondents maintain that the question presented does not warrant the Court’s attention because the decision below is the first published Fourth Circuit decision in recent memory to apply the *Rooker-Feldman* doctrine. Br. in Opp. 23. That argument disregards the frequency with which other federal courts have encountered and applied the doctrine. See Pet. 28. And it ignores that parties whose claims have been dismissed pursuant to *Rooker-*

Feldman are especially unlikely to have the resources to obtain appellate counsel and thus may never challenge their dismissals in courts of appeals, never mind in this Court. See Pet. 29.

Respondents next argue that the question presented is “hardly momentous,” in part because this Court can directly review certain state-court judgments. Br. in Opp. 23. But on that logic, the Court would never review a decision on the scope of the *Rooker-Feldman* doctrine. And the Court has already recognized the importance of policing expansive interpretations of *Rooker-Feldman* that risk “overriding Congress’ conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts.” *Exxon Mobil*, 544 U.S. at 283.

Respondents also suggest (Br. in Opp. 23) that, if the question presented here were worthy of the Court’s review, the Court would have considered it earlier. But the Sixth Circuit’s decision in *RLR Investments, LLC v. City of Pigeon Forge*, 4 F.4th 380 (2021), was the first to join respondents’ side of the circuit conflict after *Exxon Mobil*. See Pet. at 8-11, *RLR Investments, LLC v. City of Pigeon Forge*, 142 S. Ct. 862 (2021) (No. 21-703). In the time since the Court denied review in that case, the circuit conflict has obviously deepened and grown more entrenched, including with the issuance of the decision below.

2. Respondents raise several vehicle concerns (Br. in Opp. 23-26), but they lack merit.

Respondents first argue (Br. in Opp. 23-25) that the stay of the state-court appeal, and the fact that the underlying judgment is a consent order, both counsel against review. Those arguments conflate the applicability of the jurisdictional *Rooker-Feldman* doctrine with respondents’ merits arguments in the underlying state-court appeal. Respondents concede that petitioner’s state-court

appeal remains pending (Br. in Opp. 13), which is all that is required in order to implicate the question presented. Respondents did not oppose the entry of a stay in the state-court appeal. See C.A. App. 88, 90-91; Pet. C.A. Br. App. 12. What is more, as respondents acknowledge (Br. in Opp. 24), Maryland law allows parties to appeal from a consent order in certain circumstances, including where entry of the order was coerced. See, *e.g.*, *Chernick v. Chernick*, 610 A.2d 770, 773 n.1 (Md. 1992). As the court of appeals noted, petitioner has maintained throughout those proceedings that the consent order was entered under duress. See Pet. App. 3a-4a.

Respondents further contend (Br. in Opp. 25-26) that petitioner's claims in the underlying federal case are "meritless." In so doing, respondents barely acknowledge that one Maryland state court has already held that it was erroneous to commit petitioner involuntarily to respondent Baltimore Washington Medical Center. See Br. in Opp. 7 n.1. But regardless of whether petitioner ultimately succeeds on her underlying claims, the merits of those claims are plainly distinct from the question whether the *Rooker-Feldman* doctrine jurisdictionally bars petitioner from even proceeding on those claims in federal court. See Pet. 27-28.

Finally, respondents suggest that "allowing vacatur of the consent order could set a 'dangerous' precedent," because petitioner has already received "the benefit" of the consent order: namely, her release from respondents' custody. Br. in Opp. 26 (citation omitted). But any such effect would arise because of petitioner's success on the merits of her underlying claims, not the applicability of the jurisdictional *Rooker-Feldman* doctrine. It is also remarkably callous to suggest (Br. in Opp. 25) that the consent order here is equivalent to a run-of-the-mill settlement agreement. When a citizen must choose between

entering into a consent order or remaining subject to involuntary commitment and threatened forcible medication, there is nothing “dangerous” about allowing the plaintiff to challenge whether that order was obtained under duress.

* * * * *

Despite this Court’s previous attempts to rein in *Rooker-Feldman*, the doctrine continues to befuddle lower courts and litigants alike. As the court of appeals acknowledged in the decision below, the doctrine has now spawned an entrenched circuit conflict on the question whether it applies when state-court proceedings remain pending. The Court should resolve that conflict in this case and stanch the court of appeals’ expansion of *Rooker-Feldman*. The petition for a writ of certiorari should be granted.

Respectfully submitted.

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