No. 25-197

In the Supreme Court of the United States

T.M., PETITIONER

v.

UNIVERSITY OF MARYLAND
MEDICAL SYSTEM CORPORATION, ET AL.

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

BRIEF FOR THE PETITIONER

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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 to protect her privacy. Respondents are University of Maryland Medical System Corporation; Baltimore Washington Medical Center Inc.; Kathleen McCollum; and Thomas J. Cummings, Jr.

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-20a) is reported at 139 F.4th 344. The opinion of the district court (Pet. App. 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 petition for a writ of certiorari was filed on August 15, 2025, and was granted on December 5, 2025. The jurisdiction of this Court rests on 28 U.S.C. 1254(1).

STATUTORY PROVISIONS 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.

Section 1331 of Title 28 of the United States Code provides:

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

Section 1343(a)(3) of Title 28 of the United States Code provides:

> The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person * * * [t]o redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States[.]

STATEMENT

Few doctrines have confounded the lower courts like the *Rooker-Feldman* doctrine. Under that doctrine, the Court has interpreted its jurisdiction over final state-court judgments under 28 U.S.C. 1257 as creating a negative inference concerning the jurisdiction of district courts, precluding them from adjudicating certain actions that seek "review" of a final state-court judgment. The doctrine is named after the only two cases in which the Court has applied it to dismiss a federal claim: *Rooker* v. *Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of Appeals* v. *Feldman*, 460 U.S. 462 (1983). In each of those cases, the losing party before a state court of last resort filed suit in federal district court, seeking relief from the state-court judgment. The Court has never extended *Rooker-Feldman* beyond those specific circumstances.

In the wake of *Feldman*, however, lower courts began to apply the doctrine frequently, often extending it "far beyond the contours of the *Rooker* and *Feldman* cases" and thereby "overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts[] and superseding the ordinary application of preclusion law." *Exxon Mobil Corp.* v. *Saudi Basic Industries Corp.*, 544 U.S. 280, 283 (2005). In *Exxon Mobil*, the Court attempted to cabin the doctrine, reminding lower courts 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 rejection of that judgment." *Id.* at 291.

Despite the Court's best efforts in *Exxon Mobil*, *Rooker-Feldman* has returned to its "old tricks" of "inter-

fering with efforts to vindicate federal rights and misleading federal courts into thinking they have no jurisdiction over cases Congress empowered them to decide." *VanderKodde* v. *Mary Jane M. Elliott, P.C.*, 951 F.3d 397, 405 (6th Cir. 2020) (Sutton, J., concurring). Of particular relevance here, a minority of the circuits have extended *Rooker-Feldman* to cases in which the relevant state-court judgment is not yet final within the meaning of Section 1257 but instead remains subject to further review in state court. The question presented is whether that is a valid extension of the doctrine.

This case arises out of the involuntary commitment of petitioner to a state hospital and the hospital's subsequent attempts to medicate her against her will. During her commitment, petitioner filed a habeas action in state court, seeking her release. A month after filing, the habeas action had not yet been resolved. Faced with the prospect of continued detention and involuntary injection before obtaining relief in the habeas action, petitioner entered a consent decree with the defendants in state trial court. Petitioner then appealed the consent decree, and that appeal is pending in state court.

Shortly after entry of the consent decree, petitioner filed suit in federal court, alleging that she had entered the consent decree under duress and that the consent decree violated her federal and state 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 court of appeals affirmed, holding (in conflict with a majority of the circuits) 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.

The court of appeals erred by extending *Rooker-Feldman* to cases in which the state-court judgment remains

subject to further review in state court. As the Court explained in *Exxon Mobil*, *Rooker-Feldman* should be limited to cases like *Rooker* and *Feldman*, both of which involved federal actions filed after a decision from the state court of last resort ended the state litigation. Extending the doctrine to state-court judgments still subject to appeal is inconsistent with the statutory basis for the doctrine in Section 1257. Under that statute, this Court has jurisdiction only over a judgment that is final in the sense of being entered by the state court of last resort and terminating the litigation in state court (whether entirely or as to the federal issues that give rise to the Court's jurisdiction). If Section 1257 supports any negative inference, it is that a district court lacks jurisdiction over only such a final judgment.

There are also strong practical reasons not to unmoor the doctrine from its foundation in Section 1257. The doctrine has caused significant confusion in the lower courts. Its broader application contravenes this Court's efforts to delineate jurisdictional rules more precisely. And other doctrines exist to address concerns about review by lower federal courts of state-court judgments.

Although the Court need not reconsider *Rooker-Feldman* in this case, it should do so if it concludes that the doctrine would otherwise apply even to state-court judgments still subject to further review in state court. The negative inference on which the doctrine is based has little footing in the text of Section 1257; the doctrine unnecessarily conflates preclusion with subject-matter jurisdiction; and the problems the doctrine has long caused demonstrate its unworkability. Even in the face of stare decisis, the doctrine should be overruled if the Court were to conclude that it cannot be cabined. In all events, the court of appeals' judgment should be reversed.

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 and diverse parties. See 28 U.S.C. 1331, 1332.

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. One such category is set forth in 28 U.S.C. 1257; it provides that the Court may review by writ of certiorari "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had," 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*, this Court considered 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. See 263 U.S. at 414-415. There, the federal plaintiffs had lost in litigation before the Indiana Supreme Court; were denied relief on jurisdictional grounds by this Court; and then filed a bill in equity asking a federal district court to declare the Indiana state-court judgment "null and void" as contrary to the federal Constitution. See *id.* at 414. 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. The Court thus affirmed the dismissal of the plaintiffs' 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) (internal quotation marks and citation omitted); see Williamson B.C. Chang, *Rediscovering the Rooker Doctrine: Section 1983, Res Judicata & the Federal Courts*, 31 Hastings L.J. 1337 (1980).

Three years after the law professor's article—and some sixty years after *Rooker*—the Court applied *Rooker*'s holding for the first time since that decision. In *Feldman*, 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 465-466, 470-471. 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 the federal Constitution as well as federal antitrust law. See *id.* at 468-469, 472-473. Citing *Rooker*, this Court stated that the district court would lack jurisdiction over the plaintiffs' actions if the proceedings in D.C. court were "judicial" in nature, see *id.* at 476, which the Court held they were, 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 a "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 devel-

oped, generating "confusion and debate" about the doctrine's proper application. *Lance* v. *Dennis*, 546 U.S. 459, 467 (2006) (per curiam) (Stevens, J., dissenting).

Some twenty years ago, the Court attempted to clarify matters in *Exxon Mobil*. In that case, Exxon Mobil Corporation (ExxonMobil) and two subsidiaries sued the defendant in federal court, raising the same claims that the subsidiaries had also raised defensively in a pending state-court suit brought by the federal defendant. See 544 U.S. at 289. The court of appeals, on its own motion, had dismissed the federal suit, holding that *Rooker-Feldman* applied because the federal claims were identical to ones on which the state trial court had reached judgment. See *id.* at 290-291. This Court reversed. See *id.* at 291. In so doing, 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." *Id.* 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 both 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 Court held that *Rooker-Feldman* was "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 had "finally interred" *Rooker-Feldman* in *Exxon Mobil*. *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 2d 317, 317-318 (2006). And in the two decades since, the Court has never applied the doctrine to find that a district court lacked jurisdiction; to this day, *Rooker* and *Feldman* remain the only decisions in which the Court has done so. See, *e.g.*, *Skinner* v. *Switzer*, 562 U.S. 521, 531-532 (2011); *Lance*, 546 U.S. at 466.

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 episodes of 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. 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. Pet. App. 2a-3a, 22a; J.A. 5, 11-12; 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 and could not competently make medical

decisions. The directive was designed to ensure that petitioner was treated in accordance with her wishes or, if her wishes were unknown, at the direction of her health-care agent, who was required to act in her best interests by weighing the risks and benefits of any proposed treatment. Recognizing that her father was most familiar with her medical history and reaction to previous treatment, petitioner selected him as her primary health-care agent. J.A. 6-7, 11-13.[1]

2. In 2023, petitioner accidentally consumed gluten and experienced a psychotic episode. After becoming agitated, she was taken by police to the emergency room of respondent Baltimore Washington Medical Center. There, both she and her father asked that she be admitted voluntarily, but respondents admitted her involuntarily because of her perceived level of cognitive impairment. Petitioner was confined at the hospital for nearly three months. Pet. App. 22a; J.A. 7-8, 14, 16-17.

Petitioner alleges that the Medical Center involuntarily committed her without legitimate justification and twice sought to inject her with antipsychotic medications against her will. While the first such request was approved by a clinical review panel, that request was withdrawn in light of petitioner's voluntary consumption of oral medication. Petitioner's treating physician nevertheless attempted to inject petitioner again with antipsychotic medications. Petitioner refused, and petitioner's treating physician brought a renewed request for an involuntary injection. A clinical review panel approved the renewed request; petitioner appealed that approval; and

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[1] Petitioner's directive has since been held invalid under a Maryland law barring a designated health-care agent (here, petitioner's mother, who was the alternate) from also serving as a witness to the directive. See *Doe* v. *University of Maryland Medical System Corp.*, No. 24-1994, 2025 WL 3553026, at *4, *6 (4th Cir. Dec. 11, 2025).

an administrative law judge affirmed. Pet. App. 3a, 22a-23a; J.A. 14-16.

3. In response to her treatment at the Medical Center, petitioner filed a series of legal actions in Maryland state court to obtain relief during her involuntary commitment. First, 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. Second, petitioner filed a habeas petition seeking her release from the Medical Center. Third, petitioner filed several emergency motions for release. Petitioner's father also 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. 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. J.A. 6-8.

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 could be involuntarily injected 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. Pet. App. 3a; J.A. 3-4, 40-41.

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 the hospital and then, once established, 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. Finally, the consent order required petitioner and her parents to dismiss all of the actions they had filed against the Medical Center, the University of Maryland Medical System, and other affiliated parties. Pet. App. 3a, 24a; J.A. 159-161. Under Maryland law, the medical facilities could enforce the consent order by bringing a contempt action against petitioner in state court. See Md. R. 15-206(b)(2).

Petitioner appealed the consent order to the Appellate Court of Maryland. Pet. App. 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; her treating psychiatrist at the Medical Center; the Medical Center's president and chief executive officer; and others. The complaint sought injunctive relief preventing enforcement of the consent order; a declaration that the consent order violated the federal and state constitutional rights of petitioner and her parents; and a declaration that the order was obtained under duress. Pet. App. 24a-25a; J.A. 9-11, 46.

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. Pet. App. 25a; D. Ct. Dkt. 10, at 1; D. Ct.

Dkt. 17, at 5-9; D. Ct. Dkt. 20; D. Ct. Dkt. 34; D. Ct. Dkt. 41-1, at 1.

6. In the Maryland Appellate Court, petitioner moved for a stay of proceedings pending the outcome of the federal proceedings. The court granted the motion. Pet. App. 25a.

7. Despite the continuing state-court proceedings, the federal district court proceeded to dismiss this case sua sponte under *Rooker-Feldman*. Pet. App. 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 state appeal," 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 30a-32a & n.4.[2]

8. The court of appeals affirmed. Pet. App. 1a-20a. The court of appeals explained that petitioner had not disputed that she had filed the federal-court action after the consent order was entered in state court. *Id.* at 8a-9a. The court of appeals 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.

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[2] The district court dismissed the claims of petitioner's parents on the merits, see Pet. App. 35a, and those claims are not at issue here.

Of particular relevance here, the court of appeals rejected petitioner's argument that *Rooker-Feldman* was inapplicable because further review of the state-court judgment in question was still available. Pet. App. 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 Pet. App. 7a, 16a.

Because that language did not mention the finality of state proceedings, the court of appeals held that *Rooker-Feldman* applied even in the absence of finality. Pet. App. 16a-17a. The court of appeals reasoned that Section 1257 did not dictate a contrary result, on the ground 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 17a. In reaching its conclusion on finality, the court of appeals expressly acknowledged the "contrary views of other circuits." *Id.* at 15a.

9. Petitioner sought this Court's review on the *Rooker-Feldman* question, and the Maryland Appellate Court subsequently extended its stay of petitioner's appeal pending this Court's disposition. Pet. App. 36a-37a.

SUMMARY OF ARGUMENT

I. The Court should not extend the *Rooker-Feldman* doctrine to state-court decisions that remain subject to further review in state court.

A. The Court has consistently reiterated that *Rooker-Feldman* is exceptionally narrow in scope. It applies only in the limited circumstances in which the Court's appellate jurisdiction under 28 U.S.C. 1257 over judgments from a state court of last resort impliedly precludes a federal district court from "reviewing" a state-court judgment.

Consistent with that narrow scope, the Court has only twice applied the doctrine to hold that a district court lacked jurisdiction—in *Rooker* and in *Feldman*. Both cases arose from the same specific fact pattern: federal plaintiffs brought suit after losing before the state court of last resort, asking the federal district court to review and invalidate the final state-court judgment.

In its most recent examination of *Rooker-Feldman*, the Court held that the doctrine has no application beyond *Rooker* and *Feldman*'s "limited circumstances." *Exxon Mobil Corp.* v. *Saudi Basic Industries Corp.*, 544 U.S. 280, 291 (2005). Those limited circumstances, the Court reiterated, involved federal plaintiffs who brought a challenge after the state-court proceedings had ended, asking the federal court to review and reverse the judgment of the state court of last resort. Under a faithful application of *Exxon Mobil*'s rule, *Rooker-Feldman* should not extend to a federal action challenging a state-court decision that remains subject to further review in state court. Such an action does not fit the narrow factual paradigm of *Rooker* and *Feldman*.

B. Extending *Rooker-Feldman* to non-final state-court decisions is also inconsistent with the statutory basis on which the doctrine rests.

As noted above, *Rooker-Feldman* rests on a negative inference from the Court's grant of appellate jurisdiction in 28 U.S.C. 1257: namely, that, because this Court has exclusive jurisdiction over appeals from "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had," lower federal courts lack jurisdiction to "review" such judgments. In all of its discussions of the doctrine, the Court has consistently rooted it in that provision.

Section 1257 grants jurisdiction to the Court to review a state-court decision only if the decision is issued by the highest available state court and effectively determines the litigation. To the extent that any negative inference can be drawn from Section 1257, it is only that a district court cannot exercise jurisdiction over a final judgment of the highest available state court. Section 1257 cannot support the further inference that it bars district-court jurisdiction over an action seeking to prevent the enforcement of a state-court judgment that, as here, remains subject to further review and may still be reversed, vacated, or modified in a state proceeding. Extending *Rooker-Feldman* to such non-final judgments would necessitate assuming that, when Congress did not grant jurisdiction to this Court over those cases, it also intended implicitly to withhold related jurisdiction from district courts. Neither the text of Section 1257 nor this Court's precedents provide any support for that approach.

Nor does any other statute support the inference that a district court lacks jurisdiction to entertain a freestanding cause of action simply because the complaint seeks to prevent the enforcement of a state-court judgment. The filing of a complaint based on a freestanding, federally cognizable cause of action invokes a district court's original jurisdiction. Even if the district court is being asked to exercise the *functional equivalent* of appellate review,

the plaintiff is not actually asking it to exercise appellate jurisdiction over a state-court judgment in the sense of reversing or vacating the state-court judgment. Instead, the plaintiff's federal action is best understood to operate as a collateral attack on the judgment, and a collateral proceeding is, by definition, not an appeal of the judgment. Congress's unconditional conferral of original jurisdiction on federal district courts under various statutes thus presents no bar to the adjudication of collateral attacks on state-court decisions that are not final for purposes of Section 1257.

C. There are compelling practical reasons not to extend *Rooker-Feldman* to non-final state-court decisions.

Since the Court's decision in *Feldman*, *Rooker-Feldman* has caused endless confusion. Courts have struggled to define its contours and apply it consistently. Despite this Court's best efforts in *Exxon Mobil* to clarify the doctrine's underpinnings and scope and to confine it to the "limited circumstances" of *Rooker* and *Feldman*, litigants frequently continue to invoke the doctrine, and lower courts frequently continue to apply it. That has led to contradictory case law and inconsistent results, as this case illustrates.

Expanding the doctrine would run afoul of the Court's often-repeated objective of ensuring that jurisdictional rules are clear and firmly rooted in statutory text. Labeling a rule as jurisdictional comes with well-recognized consequences. The Court described *Rooker-Feldman* as jurisdictional when it first recognized it more than a century ago. But expanding it to the circumstances here would untether it from its statutory basis and make it more difficult to apply.

In addition, preclusion and abstention doctrines already exist to address concerns with collateral attacks on

state-court judgments. Those non-jurisdictional doctrines are far more flexible than the jurisdictional *Rooker-Feldman* doctrine, and applying them allows the States to determine the effect of their judgments, rather than imposing a uniform and inflexible federal rule. Put simply, there is little reason to expand *Rooker-Feldman*, and every reason not to.

II. If the Court were to conclude that *Rooker-Feldman* would otherwise apply to non-final state-court decisions, the Court should reconsider the doctrine altogether. Although the doctrine purports to rest on a negative inference from Section 1257, the statute says nothing to suggest that Congress sought to limit the lower courts' original jurisdiction. Nor can the doctrine rest on any claimed distinction between original jurisdiction and appellate jurisdiction. And stare decisis considerations do not support retaining *Rooker-Feldman*, because the doctrine has been heavily criticized, proven unworkable, and garnered few (if any) reliance interests. If the choice is between expanding the doctrine or retiring it, the Court should take the latter course. The Court need not go that far, however, in order to reverse the court of appeals' judgment.

ARGUMENT

I. THE *ROOKER-FELDMAN* DOCTRINE SHOULD NOT EXTEND TO A STATE-COURT JUDGMENT SUBJECT TO FURTHER REVIEW IN STATE COURT

Rooker-Feldman is a narrow doctrine precluding district courts from exercising jurisdiction over claims seeking review of a final state-court judgment. The Court has applied the doctrine to dismiss a case for lack of jurisdiction only twice, in the cases from which the doctrine gets its name: *Rooker* v. *Fidelity Trust Co.*, 263 U.S. 413

(1923), and *District of Columbia Court of Appeals* v. *Feldman*, 460 U.S. 462 (1983). Each of those cases involved an attempt by federal plaintiffs to seek review of the final judgment of a state court of last resort—the kind of judgment this Court has jurisdiction to review under Section 1257.

In the decision below, the court of appeals expanded *Rooker-Feldman* beyond the limited circumstances of those cases to encompass claims seeking relief from a state-court judgment still pending on appellate review in state court. That was erroneous. The Court has made clear that *Rooker-Feldman* should apply only in cases like *Rooker* and *Feldman*, both of which involved final state-court judgments. Expanding the doctrine to non-final state-court judgments is inconsistent with the doctrine's statutory basis in Section 1257. And there are strong practical reasons not to expand the doctrine, given the need for clear and administrable jurisdictional rules and the availability of other doctrines to limit lower federal courts from second-guessing state-court judgments. The court of appeals erred by extending *Rooker-Feldman* to cases in which the state-court judgment at issue remains subject to further review in state court. The court of appeals' judgment should be reversed.

A. The Court Has Applied The *Rooker-Feldman* Doctrine Only To The Final Decisions Of State Courts Of Last Resort

Rooker-Feldman applies in the "limited circumstances" in which this Court's appellate jurisdiction over state-court judgments prevents a district court from "exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate under a congressional grant of authority." *Exxon Mobil Corp.* v. *Saudi Basic Industries Corp.*, 544 U.S. 280, 291 (2005). Under

28 U.S.C. 1257, this Court has jurisdiction to review "[f]inal judgments * * * rendered by the highest court of a State in which a decision could be had," where the judgment sufficiently implicates a question of federal law. 28 U.S.C. 1257(a); see, *e.g.*, *Hawaii* v. *Office of Hawaiian Affairs*, 556 U.S. 163, 171-172 (2009). Because Section 1257 gives this Court the "exclusive[]" appellate jurisdiction to "reverse or modify a state-court judgment," the Court has interpreted the statute as impliedly depriving a district court of jurisdiction over a claim asking it to "overturn an injurious state-court judgment." *Exxon Mobil*, 544 U.S. at 283, 292.

Rooker and *Feldman* are the only two cases in which this Court has ever held that its appellate jurisdiction impliedly deprived a district court of jurisdiction over a claim. See *Lance* v. *Dennis*, 546 U.S. 459, 463 (2006) (per curiam). And in both of those cases, the plaintiffs filed suit in federal court after receiving a final determination from the highest court in the relevant State (or, in the case of *Feldman*, the District of Columbia). The Court has never applied the *Rooker-Feldman* doctrine to a case where the federal action was filed while state proceedings remained pending. And the Court has since clarified that the doctrine should apply only in cases involving the "limited circumstances" of *Rooker* and *Feldman*. See *Exxon Mobil*, 544 U.S. at 291.

1. *Rooker* began as a real-estate dispute between the plaintiffs and a trust company. See 109 N.E. 766, 766, 768 (Ind. 1915). The plaintiffs filed suit against the trust company in Indiana state court, contending that the company had "violated and repudiated the trust." 261 U.S. 114, 115 (1923). The company ultimately prevailed in the trial court, and the Indiana Supreme Court affirmed. See 131 N.E. 769, 773-774, 776 (Ind. 1921). The plaintiffs then

sought rehearing before the Indiana Supreme Court, arguing for the first time that an allegedly relevant state statute violated the federal Constitution. See 261 U.S. at 117. The Indiana Supreme Court denied the petition without opinion. See *ibid.* The plaintiffs then sought relief from this Court on a writ of error, but the Court dismissed the writ for lack of jurisdiction. See *id.* at 116-118. The Court determined that, because the plaintiffs had not raised the federal question until the rehearing stage at the Indiana Supreme Court, "the record did not disclose the presence of any question constituting a basis for * * * review." 263 U.S. 413, 414 (1923).

After failing to secure a writ of error, the plaintiffs filed a bill in equity in federal district court, asking the court to "declare[] null and void" the Indiana Supreme Court's judgment on constitutional grounds. See *Rooker*, 263 U.S. at 414-415. The trust company moved to dismiss, arguing that the district court lacked jurisdiction because the suit was between citizens of the same State and did not "substantially or really involve[]" a federal question. D. Ct. R. 80, *Rooker*, 263 U.S. 413 (No. 23-295). The district court agreed in a brief order and dismissed the case. See *id.* at 80-81.

The plaintiffs appealed to this Court. See *Rooker*, 263 U.S. at 415. They argued that the district court had jurisdiction because their suit presented federal questions: namely, whether the state court's "judicial determination" violated the Due Process and Equal Protection Clauses and whether a state statute at issue violated the Contract Clause. See Appellants' Br. at 121-122, *Rooker*, *supra* (No. 23-295). The trust company moved to dismiss the appeal for lack of jurisdiction or, in the alternative, to affirm. Appellee's Br. at 14, *Rooker*, *supra*. In particular, the company argued that the plaintiffs' suit could not "be entertained by any court, [f]ederal or otherwise," because

the bill in equity "involved only a bald and undisguised collateral attack" on the Indiana Supreme Court's judgment and did not actually present a federal question. *Id.* at 14-17. In support of that argument, the trust company cited precedents from this Court dismissing appeals that failed to present a federal question or were barred by principles of res judicata. See *id.* at 14 (citing *Forsyth* v. *Hammond*, 166 U.S. 506, 516 (1897); *Scotland County* v. *Hill*, 132 U.S. 107, 114 (1889); *Chicago & Alton Railroad Co.* v. *Wiggins Ferry Co.*, 108 U.S. 18 (1883); and *Caujolle* v. *Ferrié*, 80 U.S. (13 Wall.) 465 (1871)).[3]

This Court affirmed in a brief opinion, albeit on grounds broader than the ones the parties had raised. To "test[]" the "power of the [d]istrict [c]ourt to entertain" the plaintiffs' action, the Court assumed for the sake of argument that the federal issues raised by the plaintiffs had been "questions of substance" in the state courts. *Rooker*, 263 U.S. at 416. And it held that the district court lacked jurisdiction over the plaintiffs' actions. See *id.* at 415-416.

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[3] The trust company also raised another reason that the Court lacked jurisdiction over the appeal. See Appellee's Br. at 14-15, *Rooker*, *supra*. Under the Judiciary Act of 1891, this Court had the authority to review questions of "jurisdiction" of the lower federal courts. See ch. 517, § 5, 26 Stat. 827. The Court had construed the scope of that review as limited to questions concerning a lower federal court's "power to entertain the suit under the laws of the United States"—*i.e.*, subject-matter or personal jurisdiction. *Smith* v. *Apple*, 264 U.S. 274, 277 (1924). Citing that line of cases, the trust company argued that no such question was at issue in *Rooker* because case did not "necessarily involve a question of the jurisdiction of the District Court as a Federal tribunal." Appellee's Br. at 14. This Court had previously agreed. See *Blythe* v. *Hinckley*, 173 U.S. 501, 507 (1899) (holding that a dismissal on the ground that "the judgments of the state courts could not be reviewed on the reasons put forward" was not "in itself a decision for want of jurisdiction" that permitted review).

The Court began by explaining that the state trial court had properly exercised jurisdiction over the matter and that, "[i]f the constitutional questions stated in the bill actually arose" in state court, it was the "province and duty of the state courts to decide them." *Rooker*, 263 U.S. at 415. If the state court had erred in deciding those questions, the Court continued, "that [wou]ld not make the judgment void, but merely le[ave] it open to reversal or modification in an appropriate and timely appellate proceeding." *Ibid.* The Court explained that the state court's decision constituted an "effective and conclusive adjudication" unless "reversed or modified" on appeal. *Ibid.*

The Court then proceeded to state 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 Indiana Supreme Court's judgment. *Rooker*, 263 U.S. at 416. To do so, the Court reasoned, would constitute an "exercise of appellate jurisdiction" beyond the "strictly original" jurisdiction of the district courts. *Ibid.* The Court also noted that the time for seeking its review of the Indiana Supreme Court's judgment had lapsed before the bill was filed in federal court. See *ibid.* The Court explained that a litigant cannot "indirectly" challenge a judgment when "he no longer can do [so] directly." *Ibid.* (citation omitted).

2. For nearly sixty years, *Rooker* lingered in obscurity. This Court cited *Rooker* only once, "in reference to the finality of prior judgments." *Exxon Mobil*, 544 U.S. at 288 n.3 (citing *Fishgold* v. *Sullivan Drydock & Repair Corp.*, 328 U.S. 275, 283 (1946)). But then, in *Feldman*, the Court suddenly resurrected *Rooker*'s rule. See 460 U.S. at 476, 482.

The litigation in *Feldman* began when two individuals petitioned the District of Columbia Court of Appeals to

waive a rule barring their admission to the District of Columbia Bar. See 460 U.S. at 466, 471. After the D.C. court denied their petitions, the plaintiffs filed suit in federal district court against the D.C. court and others, alleging that the denial of their petitions violated the Constitution and federal antitrust law. See *id.* at 468-469, 472-473. In each case, the district court granted the defendants' motion to dismiss for lack of jurisdiction; it held that Congress had entrusted matters of admission to the D.C. Bar to the D.C. Court of Appeals, subject only to review by this Court. See Pet. App. at 65a-66a, 68a, *Feldman*, 460 U.S. 462 (No. 81-1335).

The District of Columbia Circuit reversed both judgments, holding that the district court had jurisdiction. See 661 F.2d 1295, 1310 (1981). The D.C. Circuit reasoned that, although a district court lacks jurisdiction to review "a final judgment of the highest judicial tribunal of a state," the D.C. Court of Appeals' waiver determinations were *administrative* decisions over which the district court had jurisdiction, rather than *judicial* ones over which it would not. *Ibid.*; see *id.* at 1315-1317.

The defendants petitioned this Court for review. The plaintiffs did not contest that the district court would have lacked jurisdiction if the proceedings in D.C. court had been judicial in nature; instead, they argued only that the D.C. court had acted in an administrative capacity when denying their waiver requests. See Hickey Br. at 16, 20, *Feldman*, 460 U.S. 462 (1983) (No. 81-1335); Feldman Br. at 21, *Feldman*, *supra*. The parties cited this Court's decision in *Rooker* only once in the briefing, and no one mentioned the case at oral argument. See Pet. Br. at 24, *Feldman*, *supra*; Tr. of Oral Arg., *Feldman*, *supra*.

This Court ultimately agreed with the defendants, holding that the district court lacked jurisdiction to review the denial of the plaintiffs' waiver petitions. See *Feldman*,

460 U.S. at 479, 482. The Court began from the premise that the district court necessarily would have lacked jurisdiction to "review final determinations of the District of Columbia Court of Appeals in judicial proceedings." *Id.* at 476. "Review of such determinations," the Court explained, "can be obtained only in this Court" under Section 1257. *Ibid.* The Court explained that Section 1257 thus "act[s] as a bar" to a district court's jurisdiction where the court is being asked to "review[] a state-court judicial decision." *Id.* at 486; see *id.* at 476, 482 & n.16.

Proceeding from that premise, the Court held that the district court lacked jurisdiction over part of the case but had jurisdiction over another. In particular, the district court lacked jurisdiction over the plaintiffs' challenge to the D.C. court's denial of their waiver requests, because those denials were issued in judicial proceedings. See *Feldman*, 460 U.S. at 476-482, 486. But the district court did have jurisdiction over plaintiffs' challenges to a general rule promulgated by the D.C. Court of Appeals, because that challenge did not "require review of a judicial decision in a particular case." *Id.* at 487.

3. More than twenty years later, the Court reexamined the *Rooker-Feldman* doctrine in *Exxon Mobil*. The question presented there was whether the doctrine applied where the federal action presented issues identical to ones that were still pending in a state-court proceeding. See Pet. Br. at i, *Exxon Mobil*, *supra* (No. 03-1696). In the lower-court proceedings, ExxonMobil and two of its subsidiaries had filed suit in federal court over a joint-venture dispute with Saudi Basic Industries Corporation (SABIC) after SABIC had filed suit in state court against the ExxonMobil subsidiaries. See 544 U.S. at 289. ExxonMobil also raised the same claims that it had filed in federal court as counterclaims in state court. See *ibid.*

The federal and state litigation proceeded in parallel. See *Exxon Mobil*, 544 U.S. at 289-290. ExxonMobil prevailed in state trial court, and SABIC appealed. See *id.* at 289. At the same time, the federal litigation reached the Third Circuit on an interlocutory appeal. See *id.* at 290. The Third Circuit invoked *Rooker-Feldman* sua sponte and held that, once the state trial court had entered judgment for ExxonMobil on its counterclaims, the federal district court lost jurisdiction over those same claims. See *ibid.*

This Court reversed. As the Court explained, in the twenty years following *Feldman*, the "lower courts" had "[v]ariously interpreted" *Rooker-Feldman* to "extend far beyond the contours of the *Rooker* and *Feldman* cases." *Exxon Mobil*, 544 U.S. at 283. This Court, however, had applied the doctrine "only twice"—in *Rooker* and in *Feldman*. *Ibid.* The Court held that the Third Circuit had "misperceived the narrow ground occupied by *Rooker-Feldman*." *Id.* at 284.

The Court explained that *Rooker* and *Feldman* "exhibit the limited circumstances" in which this Court's jurisdiction under Section 1257 "precludes" a district court's jurisdiction in an action that it would "otherwise be empowered to adjudicate under a congressional grant of authority" (there, 28 U.S.C. 1330). *Exxon Mobil*, 544 U.S. at 291. In both *Rooker* and *Feldman*, the "losing party in state court filed suit in federal court after the state proceedings [had] ended," asking the district court to "review and reject[]" the state-court judgment. *Ibid.* The federal district court could not entertain a challenge of that variety, the Court explained, because Section 1257 "vests authority to review a state court's judgment solely in this Court." *Id.* at 292. As the Court put it in the introduction to the opinion, *Rooker-Feldman* is "confined to cases of the kind from which the doctrine acquired its name: 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." *Id.* at 284.

The Court proceeded to explain that *Rooker-Feldman* is "not triggered simply by the entry of judgment in state court." *Exxon Mobil*, 544 U.S. at 292. "Nor does [Section] 1257 stop a district court from exercising subject-matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court." *Id.* at 293. Rather, the only question in those situations is whether other doctrines, such as preclusion or abstention, would defeat the plaintiff's claim on the merits. See *id.* at 292-293. Applying those principles to the facts before it, the Court held that *Rooker-Feldman* did not bar the district court from exercising jurisdiction over ExxonMobil's claims. See *ibid.*

4. The decision in *Exxon Mobil* strongly suggests that *Rooker-Feldman* should not apply to cases filed in federal court while proceedings in state court remain pending. Attempting to return the doctrine to its narrow foundations, the Court made clear that the doctrine should be limited to cases like *Rooker* and *Feldman*, 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 rejection of that judgment." *Exxon Mobil*, 544 U.S. at 291. Although the Court's separate language in the introduction of the opinion did not contain an express finality limitation, the Court's ensuing discussion made clear that both *Rooker* and *Feldman* involved a federal action filed "after state proceedings ended." *Ibid.* Indeed, in both *Rooker* and *Feldman*, the cases had proceeded to the highest courts of Indiana and the District of Columbia, respectively. See *Rooker*, 263 U.S. at 414;

Feldman, 460 U.S. at 463-464. And in each case, the federal plaintiffs asked the federal district court to invalidate the judgment of the state court of last resort. See *Rooker*, 263 U.S. at 414-415; *Feldman*, 460 U.S. at 476, 482.

Exxon Mobil establishes that *Rooker-Feldman* applies only in cases like *Rooker* and *Feldman*. For that reason, the doctrine should not apply where a federal action challenging a state-court decision is filed while the state-court decision remains subject to further review in state court. Neither *Rooker* nor *Feldman* involved that type of circumstance. And as we will explain, there are compelling reasons not to extend *Rooker* and *Feldman* to the situation presented here.

B. Extending The *Rooker-Feldman* Doctrine To Non-Final State-Court Decisions Is Inconsistent With The Doctrine's Statutory Basis

The Court has consistently rooted *Rooker-Feldman* in the Court's grant of appellate jurisdiction in Section 1257. Breaking from the majority of the circuits, the court of appeals in this case extended the doctrine beyond the facts of *Rooker* and *Feldman* to circumstances in which the federal action was filed when the relevant state trial-court judgment remains subject to further review. That extension is inconsistent with the doctrine's statutory basis.

1. As noted above, see pp. 19-20, *Rooker-Feldman* is premised on a negative inference from Section 1257. The idea is that, because this Court's "jurisdiction over appeals from final state-court judgments" is "exclusive," "[r]eview of such judgments may be had *only* in this Court." *Lance*, 546 U.S. at 463 (citation omitted). The federal district courts are thus "preclude[d]" from exer-

cising jurisdiction over claims seeking "review and rejection" of a state-court judgment. *Exxon Mobil*, 544 U.S. at 291.

The Court has repeatedly confirmed that Section 1257 forms the basis for *Rooker-Feldman*. In *Rooker*, the Court expressly relied on the predecessor to Section 1257 to hold that the district court lacked jurisdiction over the federal plaintiffs' claims. See 263 U.S. at 415-416. In *Feldman*, the Court cited Section 1257 for the proposition that "review [of] final determinations of the District of Columbia Court of Appeals in judicial proceedings * * * can be obtained only in this Court." 460 U.S. at 476. And in *Exxon Mobil*, the Court explained that *Rooker-Feldman* exists because Section 1257 "precludes a United States district court from exercising subject-matter jurisdiction" over some claims the district court would "otherwise be empowered to adjudicate." 544 U.S. at 291. Across the Court's other cases discussing *Rooker-Feldman*, the Court has consistently described the doctrine as rooted in Section 1257. See *Skinner* v. *Switzer*, 562 U.S. 521, 531-532 (2011); *Lance*, 546 U.S. at 463; *ASARCO Inc.* v. *Kadish*, 490 U.S. 605, 622 (1989).

2. Declining to extend *Rooker-Feldman* to cases in which the state-court judgment remains subject to further review in state court is most consistent with Section 1257's text and operation.

Under Section 1257, this Court has jurisdiction to "review[]" by writ of certiorari "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had," where the state-court judgment sufficiently depends on the resolution of a question of federal law. 28 U.S.C. 1257(a); see *Office of Hawaiian Affairs*, 556 U.S. at 171-172. That language creates a "firm final judgment rule": a state-court judgment that sufficiently

implicates a federal question is subject to the Court's review when (1) it is "subject to no further review or correction in any other state tribunal" and (2) it is "final as an effective determination of the litigation and not of merely interlocutory or intermediate steps therein." *Jefferson* v. *City of Tarrant*, 522 U.S. 75, 81 (1997).

Neither of those requirements is satisfied in a case concerning a state-court decision that is subject to further review in state court. *First*, when a state-court decision remains pending on appeal, it is subject to "further review or correction in [another] state tribunal." *Jefferson*, 522 U.S. at 81. In statutory terms, it would not be a judgment of "the highest court of a State in which a decision could be had." 28 U.S.C. 1257(a). *Second*, a decision subject to further review in state court is an "intermediate step[]" and not "an effective determination of the litigation," because the decision could be reversed, vacated, or modified on appeal. *Jefferson*, 522 U.S. at 81. In statutory terms, the decision would not be "final." See 28 U.S.C. 1257(a). And even in the narrow category of cases in which this Court exercises jurisdiction over interlocutory state-court judgments, it does so only after the "highest court of a State has finally determined the federal issue present in a particular case." *Cox Broadcasting Corp.* v. *Cohn*, 420 U.S. 469, 477 (1975); see, *e.g.*, *Pierce County* v. *Guillen*, 537 U.S. 129, 140-143 (2003); *ASARCO*, 490 U.S. at 610-612.

Because Section 1257 provides this Court with jurisdiction over final judgments from state courts of last resort, the most natural negative inference to draw from the text of the statute (if any is to be drawn) is that a federal district court cannot exercise jurisdiction over claims seeking review of such final judgments. By providing the Court with jurisdiction to review such judgments, Congress has arguably implied that it does not want other

courts to exercise such jurisdiction. That explains why the Court has described *Rooker-Feldman* as a "construction of [Section] 1257" that "bar[s] direct review in lower federal courts of a decision *reached by the highest state court*," *ASARCO*, 490 U.S. at 622-623 (emphasis added), when the federal suit is filed "after the state proceedings ended," *Skinner*, 562 U.S. at 531.

Applying *Rooker-Feldman* to non-final judgments would require drawing a much broader negative inference from Section 1257 than the one the Court has previously drawn—and a much weaker one at that. *Rooker* and *Feldman* themselves at most support the inference that Section 1257 precludes district-court jurisdiction over *final* state-court judgments, because both of the judgments in those cases were final for purposes of Section 1257. But to read Section 1257 as precluding district-court jurisdiction over *non*-final judgments, this Court would have to assume that Congress wanted to preclude district-court jurisdiction over categories of claims over which this Court also lacks jurisdiction. In other words, the Court would have to assume that, by *not* providing it with jurisdiction over a category of cases, Congress intended implicitly to deprive the district courts of jurisdiction over that category of cases too.

It is one thing to say that, where Congress expressly provides jurisdiction to one court, it impliedly intends to withhold related jurisdiction from another court. It is quite another to draw a negative inference from Congress's *refusal* to grant such jurisdiction to a court. Put another way, it simply does not follow that, by failing to confer a certain type of jurisdiction on this Court, Congress implicitly intended to deprive other courts of related jurisdiction. If any negative inference is to be drawn from Section 1257, it is the one the Court drew in *Rooker*

and *Feldman*: namely, that the statute precludes a district court from exercising jurisdiction over a final judgment from the highest state court in which a decision could be had.

3. Apart from Section 1257, there is no valid basis for inferring that a district court lacks jurisdiction to entertain a freestanding cause of action merely because the complaint seeks, as is the case here, relief preventing the enforcement of a state-court judgment. Where a plaintiff commences an action in federal district court seeking the adjudication of a freestanding cause of action, the plaintiff is, by definition, invoking the district court's original jurisdiction. After all, the plaintiff is asking the court to "take cognizance" of the new cause of action "at its inception, try it, and pass judgment upon the law and facts" on a record to be developed in that court. *Black's Law Dictionary* 857 (1st ed. 1891) (defining "original jurisdiction").

That remains true even if the plaintiff seeks relief preventing enforcement of a state-court judgment. Whether the plaintiff is seeking a declaration that a state-court judgment is invalid, or an injunction against enforcement of the judgment, the district court is not actually being called upon to "revise[] and correct[] the proceedings" in the first action, in the sense of reversing or vacating the judgment based on the record compiled in the earlier proceeding. *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137, 175 (1803). Instead, the district court is being asked to prevent the judgment from being enforced in subsequent, separate proceedings. Regardless of the district court's action, the state-court judgment will remain in place.

In that way, a claim that seeks to prevent the enforcement of a state-court judgment in federal court is more akin to a "collateral attack" on the earlier judgment, as opposed to an appeal of that judgment. *Feldman*, 460

U.S. at 490 (Stevens, J., dissenting). A "collateral attack" is "[a]n attack on a judgment in a proceeding *other than a direct appeal*." *Wall* v. *Kholi*, 562 U.S. 545, 552 (2011) (citation omitted). Although a collateral attack may involve "review" of an earlier decision, it is distinctive because it is a "form of review that is not part of the direct appeal process." *Id.* at 552, 553; see *United States* v. *Addonizio*, 442 U.S. 178, 184 (1979) (discussing collateral attacks on federal criminal judgments under 28 U.S.C. 2255).

As the Court has explained, a federal district court's exercise of habeas jurisdiction—perhaps the most familiar form of collateral review of state-court judgments—has "generally been deemed original." *Fay* v. *Noia*, 372 U.S. 391, 407, 423-424 & n.34 (1963). And lower courts have also long had the authority to consider certain collateral attacks on judgments, such as arguments that the judgment-entering court lacked jurisdiction. See, *e.g.*, *Hovey* v. *Elliott*, 167 U.S. 409, 444 (1897); *Earle* v. *McVeigh*, 91 U.S. 503, 507 (1876).[4]

To be sure, the Court has said on occasion that the *Rooker-Feldman* doctrine reflects the fact that most statutes governing the jurisdiction of district courts confer "original jurisdiction" and not "appellate jurisdiction over state-court judgments." *Verizon Maryland, Inc.* v. *Public Service Commission of Maryland*, 535 U.S. 635, 644 n.3 (2002). And in *Rooker*, the Court observed that the plaintiffs' claim would have required an "exercise of ap-

[4] Of particular relevance here, courts have long exercised their original jurisdiction to entertain collateral attacks on judgments alleged to have been procured through duress. See, *e.g.*, *Griffith* v. *Bank of New York*, 147 F.2d 899, 901-902 (2d Cir.), cert. denied, 325 U.S. 874 (1945); Restatement (Second) of Judgments § 70 (1982); see also J.A. 40-44, 152-155 (alleging that petitioner agreed to the state-court consent order under duress).

pellate jurisdiction" beyond the "strictly original" jurisdiction of the district courts. 263 U.S. at 416. The better understanding, however, is that a freestanding claim asking a district court to prevent the enforcement of a state-court judgment is not truly a request for the exercise of appellate jurisdiction.

This Court's modern precedents bolster that conclusion by indicating that the type of relief being sought in a case should not bear on a court's subject-matter jurisdiction. As the Court recently explained, a district court's lack of "'jurisdiction or authority' to grant a particular form of relief" does not "deprive [it] of all subject matter jurisdiction over claims" that would otherwise fall within its original jurisdiction. *Biden* v. *Texas*, 597 U.S. 785, 798 (2022). Accordingly, even if principles of preclusion prevent a district court from awarding some forms of relief in a collateral attack on a state-court judgment, it does not follow that the court lacks the "power to adjudicate [the] case." *Ibid.* (citation omitted).

All of that explains why, in *Exxon Mobil*, the Court said that *Rooker-Feldman* applies where a district court would "otherwise be empowered to adjudicate" the action. 544 U.S. at 291. A district court considering a collateral attack on a judgment is exercising its original jurisdiction, such that it has the authority to entertain the action assuming that any other requirements for jurisdiction are met. The court is not actually exercising appellate jurisdiction; at most, it is exercising what "in substance" would be appellate review. *Johnson* v. *De Grandy*, 512 U.S. 997, 1005-1006 (1994). For that reason, in the absence of a negative inference from Section 1257, there is no bar on a district court's exercise of jurisdiction over claims such as the ones at issue here. And because Section 1257 is best interpreted to preclude district-court jurisdiction only over a final judgment from the highest state court in which a

decision could be had, the district court here had jurisdiction over petitioner's claims.

C. There Are Compelling Practical Reasons Not To Expand The *Rooker-Feldman* Doctrine To Non-Final State Court Decisions

Given the absence of textual or precedential support for expanding *Rooker-Feldman* to non-final state-court decisions, there is no valid reason for doing so—and every reason to confine the doctrine to its original scope. For decades, the doctrine has caused significant confusion for judges and litigants alike, leading to contradictory results and the failure of lower courts to exercise their jurisdiction to the full extent conferred by Congress. A decision from this Court expanding the doctrine beyond the facts of *Rooker* and *Feldman*—in contravention of the Court's most recent guidance on the doctrine in *Exxon Mobil*—would merely exacerbate the problem. Such an expansion would also conflict with the Court's consistent admonishments that jurisdictional rules should be easy to administer and firmly rooted in statutory text. Worse still, expanding the doctrine would serve no meaningful purpose, because other doctrines already exist to address concerns about competing federal-court and state-court proceedings.

1. *Rooker-Feldman* has famously confused and frustrated the lower courts. As this Court explained in *Exxon Mobil*, the notion that Section 1257 implicitly precludes the jurisdiction of district courts in some circumstances had largely lain dormant for the sixty years between *Rooker* and *Feldman*. After *Feldman*, however, the notion grew into a doctrine and experienced "explosive growth." Suzanna Sherry, *Judicial Federalism in the Trenches: The Rooker-Feldman Doctrine in Action*, 74

Notre Dame L. Rev. 1085, 1088 (1999). Of particular concern, the doctrine was "sometimes * * * 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." *Exxon Mobil*, 544 U.S. at 283.

In *Exxon Mobil*, this Court attempted to rein in that overuse by holding that *Rooker-Feldman* is "confined to cases of the kind from which the doctrine acquired its name." 544 U.S. at 284; see pp. 25-27, *supra*. And in subsequent cases in which the doctrine has been invoked, the Court has continued to define its scope narrowly. See *Reed* v. *Goertz*, 598 U.S. 230, 235 (2023); *Skinner*, 562 U.S. at 531-533; *Stop the Beach Renourishment, Inc.* v. *Florida Department of Environmental Protection*, 560 U.S. 702, 727-728 (2010); *Lance*, 546 U.S. at 463-466. But "[n]otwithstanding *Exxon Mobil*'s efforts to return *Rooker-Feldman* to its modest roots, lawyers continue to invoke the rule and judges continue to dismiss federal actions under it." *VanderKodde* v. *Mary Jane M. Elliott, P.C.*, 951 F.3d 397, 405 (6th Cir. 2020) (Sutton, J., concurring).

Numerous judges have expressed frustration with the doctrine's continued proliferation after *Exxon Mobil*. Chief Judge Sutton, the former chair of the Committee on Rules of Practice and Procedure, has described the doctrine as "caus[ing] so much mischief, creating needless complications, distracting litigants and courts from the properly presented federal issues at hand, and helping no one, not even the supposed beneficiaries of its largesse: state court judgments." *VanderKodde*, 951 F.3d at 405 (concurring opinion). Judge Kirsch has noted that, "[d]espite *Exxon*'s command to rein in *Rooker-Feldman*, [this] circuit's application of the doctrine has only grown."

Hadzi-Tanovic v. *Johnson*, 62 F.4th 394, 410 (7th Cir. 2023) (dissenting opinion). Other judges have made similar observations. See, *e.g.*, *Hunter* v. *McMahon*, 75 F.4th 62, 68 (2d Cir. 2023) (Menashi, J.); *RLR Investments, LLC* v. *City of Pigeon Forge*, 4 F.4th 380, 399-400 (6th Cir. 2021) (Clay, J., dissenting), cert. denied, 142 S. Ct. 862 (2022).

Notably, after a recent en banc decision that deeply divided the Seventh Circuit, "all members" of that court "agree[d] that [their] different understandings of the *Rooker-Feldman* doctrine may help show a need for [this] Court to clarify application of the doctrine." *Gilbank* v. *Wood County Department of Human Services*, 111 F.4th 754, 761 (2024), cert. denied, 145 S. Ct. 1167 (2025). Much of the disagreement among the judges in that case—and more broadly, among judges across the Nation—stems from the need to determine when a plaintiff is seeking federal "review and rejection" of a state-court judgment. See *id.* at 769-778; see also, *e.g.*, *Hoblock* v. *Albany County Board of Elections*, 422 F.3d 77, 86 (2d Cir. 2008); *Great Western Mining & Mineral Co.* v. *Fox Rothschild LLP*, 615 F.3d 159, 169-172 (3d Cir. 2010), cert. denied, 563 U.S. 904 (2011); *Dodson* v. *University of Arkansas for Medical Sciences*, 601 F.3d 750, 757-759 (11th Cir. 2010) (Melloy, J., concurring), cert. denied, 562 U.S. 1135 (2011).

The expansion of *Rooker-Feldman* to cases involving still-pending state proceedings would only exacerbate the problems that the doctrine is causing. Adopting the court of appeals' rule—which was previously the law in only one other circuit since *Exxon Mobil*, see Pet. 14-22—would extend the doctrine to a significant swath of additional cases. And if the doctrine is no longer tethered to the text of Section 1257, it could raise a host of additional questions about the doctrine's scope. The predictable consequence

would be further conflict among the lower courts and confusion among jurists and litigants.

2. Expanding *Rooker-Feldman* to encompass state-court decisions still subject to further review is also contrary to the Court's overall objective of clarifying and simplifying jurisdictional rules.

Over the last several decades, the Court has made significant efforts to clarify the concept of jurisdiction, "a word with many, too many, meanings." *Arbaugh* v. *Y&H Corp.*, 546 U.S. 500, 510 (2006) (internal quotation marks and citation omitted). As the Court has explained, labeling a rule to implicate a court's subject-matter jurisdiction has serious consequences. See, *e.g.*, *id.* at 513. A jurisdictional objection "can never be forfeited or waived," because jurisdiction "involves a court's power to hear a case." *Id.* at 514 (internal quotation marks and citation omitted). A court also has "an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party." *Ibid.* And if a court lacks subject-matter jurisdiction, the action must be dismissed, no matter how far the litigation has proceeded. See *ibid.* That is "strong medicine for litigants, attorneys, and judges alike." *Herr* v. *United States Forest Service*, 803 F.3d 809, 814 (6th Cir. 2015).

Given the consequences of labeling a rule as jurisdictional, the Court has emphasized that a rule should be so construed only when Congress has "clearly stated" that a statute implicates the judiciary's subject-matter jurisdiction. *Sebelius* v. *Auburn Regional Medical Center*, 568 U.S. 145, 153 (2013) (internal quotation marks, citation, and alteration omitted); see *Reed Elsevier, Inc.* v. *Muchnick*, 559 U.S. 154, 163 (2010). And where Congress has imposed a jurisdictional limit, the rules governing that limit themselves "should be clear." *Direct Marketing As-*

sociation v. *Brohl*, 575 U.S. 1, 14 (2015) (internal quotation marks and citation omitted). "Complex jurisdictional tests complicate a case, eating up time and money as the parties litigate, not the merits of their claims, but which court is the right court to decide those claims." *Hertz Corp.* v. *Friend*, 559 U.S. 77, 94 (2010). By contrast, "courts benefit from straightforward rules under which they can readily assure themselves of their power to hear a case," which also "promotes greater predictability." *Ibid.* The Court thus favors "clear boundaries in the interpretation of jurisdictional statutes." *Direct Marketing Association*, 575 U.S. at 11.

The Court's focus on simplicity and clarity in subject-matter jurisdiction can be seen in case after case. In particular, the Court has repeatedly rejected arguments that a procedural requirement should be construed as jurisdictional when "Congress [did not] clearly signal[] that the rule is meant to have that status." *Riley* v. *Bondi*, 606 U.S. 259, 274 (2025); see, *e.g.*, *Wilkins* v. *United States*, 598 U.S. 152, 157-159 (2023); *Fort Bend County* v. *Davis*, 587 U.S. 541, 547-550 (2019); *United States* v. *Wong*, 575 U.S. 402, 409-410 (2015); *Henderson* v. *Shinseki*, 562 U.S. 428, 435-436, 441-442 (2011). The Court has also rejected attempts to characterize judge-made doctrines as jurisdictional. See *Hamer* v. *Neighborhood Housing Services of Chicago*, 583 U.S. 17, 19, 25-27 & n.9 (2017). And where the Court has treated a statutory requirement as jurisdictional, it has sought to eliminate ambiguity in its application. See, *e.g.*, *Bolivarian Republic of Venezuela* v. *Helmerich & Payne International Drilling Co.*, 581 U.S. 170, 183 (2017); *Merrill Lynch, Pierce, Fenner & Smith Inc.* v. *Manning*, 578 U.S. 374, 392 (2016); *Direct Marketing*, 575 U.S. at 14.

Extending *Rooker-Feldman* to non-final state-court decisions cannot be squared with the Court's efforts to

clarify and simplify jurisdictional rules. Almost by definition, a jurisdictional rule that arises solely from a negative inference is not clear. Cf. *Bowe* v. *United States*, No. 24-5348, slip op. 16 (Jan. 9, 2026); *INS* v. *St. Cyr*, 533 U.S. 289, 299 (2001); *Cipollone* v. *Liggett Group, Inc.*, 505 U.S. 504, 547 (1992) (Scalia, J., dissenting). And extending the reach of such a rule is particularly problematic in the context of broad jurisdictional statutes such as those that provide the district courts with original jurisdiction. As the Court recently explained in *Bowe*, where Congress has enacted a "broad grant of jurisdiction," it "must speak clearly if it seeks to impose exceptions to that jurisdiction." Slip op. 8. To extend *Rooker-Feldman* beyond the text of Section 1257 would create the "kind of jurisdiction stripping by implication that cannot suffice." *Id.* at 16.

The *Rooker-Feldman* doctrine is also notoriously complicated and has confused lower courts for decades. Still, the doctrine has at least an arguable textual basis in Section 1257 as a negative inference from the grant of appellate jurisdiction to this Court when applied to final decisions of state courts of last resort. See pp. 29-31, *supra*. That textual hook provides lower courts with at least some guidance as to when the doctrine should apply. But if the Court were to extend the doctrine beyond the text of Section 1257, it would become free-floating and engender needless confusion about how it should apply. There is no sound reason to extend the doctrine where the statutory text does not support it.

3. Nor is an expansive conception of *Rooker-Feldman* necessary to protect federalism interests: other doctrines already exist to address concerns about competing federal-court and state-court proceedings.

To begin with, the doctrine of claim preclusion forecloses "successive litigation of the very same claim, whether or not relitigation of the claim raises the same

issues as the earlier suit." *Taylor* v. *Sturgell*, 553 U.S. 880, 892 (2008) (citation omitted). Accordingly, once a plaintiff prevails in a suit, the defendant cannot raise "defenses he might have interposed, or did interpose, in the first action." Restatement (Second) of Judgments § 18 (1982) (Restatement).

Closely related, the doctrine of issue preclusion "precludes a party from relitigating an issue actually decided in a prior case and necessary to the judgment." *Lucky Brand Dungarees, Inc.* v. *Marcel Fashions Group, Inc.*, 590 U.S. 405, 411 (2020). It generally applies any time (1) "an issue of fact or law is actually litigated or determined" (2) "by a valid and final judgment"; (3) "the determination is essential to the judgment"; and (4) "the determination is conclusive in a subsequent action between the parties, whether or the same or different claim." Restatement § 27. Unlike claim preclusion, issue preclusion applies even if "the issue recurs in the context of a different claim." *Taylor*, 553 U.S. at 892.

Those rules will prevent federal courts from granting relief from a state-court judgment in all but the narrowest of circumstances. In most States, if a case has been litigated to judgment in a state trial court, the law of preclusion will bar further litigation of any issue that was or could have been raised in that court. See *O'Brien* v. *Hanover Insurance Co.*, 692 N.E.2d 39, 44 (Mass. 1998). In addition, the rules strictly limiting the grounds on which a party can collaterally attack a judgment would prevent most second-guessing of the judgment by a federal court. See, *e.g.*, Restatement §§ 69-72. Applying *Rooker-Feldman* to a state trial-court judgment thus creates an unnecessary—and unnecessarily jurisdictional—redundancy.

Notably, the full-faith-and-credit statute, 28 U.S.C. 1738, requires a federal court to apply the preclusion law

of the State where judgment was entered. Under that statute, a federal court must "give the same preclusive effect to a state-court judgment as another court of that State would give." *Exxon Mobil*, 544 U.S. at 282 (internal quotation marks and citation omitted). As a result, the law of the State of the judgment-entering court governs the preclusive effect of a state-court judgment. See, *e.g.*, *Parsons Steel, Inc.* v. *First Alabama Bank*, 474 U.S. 518, 523 (1986); *Allen* v. *McCurry*, 449 U.S. 90, 95 (1980). Accordingly, each State may decide what preclusive effect their judgments should have, rather than being restricted by a one-size-fits-all doctrine of federal jurisdiction like *Rooker-Feldman*. See *Lance*, 546 U.S. at 466.

Separately, abstention doctrines also provide protection against attempts to circumvent the ability of state courts definitively to resolve pending cases. *Younger* abstention, for example, precludes (1) "federal intrusion into ongoing state criminal prosecutions," (2) "certain civil enforcement proceedings," and (3) "pending civil proceedings involving certain orders uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint Communications, Inc.* v. *Jacobs*, 571 U.S. 69, 78 (2013) (internal quotation marks, citation, and alteration omitted). *Colorado River* abstention, meanwhile, enables a federal court to abstain from exercising its jurisdiction in an even more flexible set of circumstances in the interest of "wise judicial administration." See *Colorado River Water Conservation District* v. *United States*, 424 U.S. 800, 818 (1976). Those and other abstention doctrines enable a federal court to avoid interference with state-court proceedings even before a final judgment is entered.

Preclusion and abstention have significant benefits over *Rooker-Feldman*. For one thing, those doctrines do

not come with the consequences attached to the jurisdictional bar of *Rooker-Feldman*. *Exxon Mobil*, 544 U.S. at 292-293; see p. 38, *supra*. They are also more flexible: for example, abstention requires the balancing of competing interests, and various abstention doctrines take into account different prudential considerations. See, *e.g.*, *Colorado River*, 424 U.S. at 818-821; *Middlesex County Ethics Committee* v. *Garden State Bar Association*, 457 U.S. 423, 432 (1984). As for preclusion, it may not apply (depending on the content of state law) where a party lacked a full and fair opportunity to litigate a claim or issue in the earlier litigation. See *Kremer* v. *Chemical Construction Corp.*, 456 U.S. 461, 480 & n.22 (1982). That flexibility is a feature, not a bug: the non-jurisdictional nature of those doctrines allows them to account for prudential considerations that jurisdictional doctrines cannot, and it ensures that a court need not address the doctrines where no party raises them. There is no benefit to expanding *Rooker-Feldman* to eliminate that flexibility in cases where state-court proceedings remain pending.

* * * * *

In the end, there is no good reason to apply *Rooker-Feldman* to state-court decisions that are subject to further review in state court. Doing so would amount to an expansion of the doctrine beyond the facts of *Rooker* and *Feldman*, and it would be inconsistent with the statutory basis for the doctrine in Section 1257. Given the confusion the doctrine has long caused; this Court's objective of ensuring that jurisdictional rules are clear and firmly rooted in statutory text; and the availability of other doctrines to prevent unwarranted federal-court intrusion into state litigation, *Rooker-Feldman* should not apply to non-final state-court decisions.

II. IN THE ALTERNATIVE, THE *ROOKER-FELDMAN* DOCTRINE SHOULD BE OVERRULED

If the Court were to conclude that *Rooker-Feldman* would otherwise apply to non-final state-court decisions, the Court should consider eliminating the doctrine altogether.

1. *Rooker-Feldman* rests on a clearly erroneous interpretation of Section 1257. Nothing in the text of Section 1257 indicates that Congress intended impliedly to deprive the district courts of jurisdiction over cases they would otherwise have the power to adjudicate. The statute simply states that this Court has jurisdiction over judgments of state courts of last resort that sufficiently implicate a federal question. That language does not support the negative inference on which the doctrine is based.

Overlapping subject-matter jurisdiction is a routine feature of our judicial system. "[F]ederal courts and state courts often find themselves exercising concurrent jurisdiction over the same subject matter." *Growe* v. *Emison*, 507 U.S. 25, 32 (1993). Lower federal courts also regularly exercise original jurisdiction in cases where the Constitution provides this Court with original jurisdiction. See *Ames* v. *Kansas ex rel. Johnston*, 111 U.S. 449, 469 (1884).

In *Rooker*, the Court attempted to explain the jurisdictional bar it created by drawing a distinction between this Court's appellate jurisdiction and the district courts' "strictly original" jurisdiction. 263 U.S. at 415-416. But the Court never explained why the district court there would have needed appellate jurisdiction in order to adjudicate the challenge before it. And in *Exxon Mobil*, the Court made clear that the *Rooker-Feldman* doctrine arises from the preclusive effect of Section 1257 in cases that a district court would "otherwise be empowered to adjudicate," 544 U.S. at 291—meaning that the doctrine is

not based on any defect with a district court's original jurisdiction independent of the negative inference from Section 1257.

The *Rooker* Court also conflated doctrines of preclusion and subject-matter jurisdiction, explaining that any errors in the adjudication of the plaintiffs' constitutional challenges to the state-court judgment would "not make the judgment void" and subject to collateral attack. 263 U.S. at 415. Instead, the state court's determination would have constituted an "effective and conclusive adjudication" of the case. *Ibid.* In more modern terms, the judgment was "res judicata on collateral attack made by one of the parties." *Willy* v. *Coastal Corp.*, 503 U.S. 131, 137 (1992). Yet the Court proceeded to treat preclusion as a jurisdictional issue. While the Court may have been fuzzier about that distinction in the past, it is now clear that preclusion is "not a jurisdictional matter." *Exxon Mobil*, 544 U.S. at 293.

The Court's decision in *Feldman* supplies no better rationale for the doctrine. As already explained, the parties in that case agreed that the district court would have lacked jurisdiction if the D.C. Court of Appeals' waiver determinations had been judicial in nature, and the Court engaged in no extended analysis when accepting that premise. See pp. 24-25.

2. Nor can *Rooker-Feldman* be rescued by the doctrine of stare decisis. Even "decades after its inception," *Rooker-Feldman* has remained "impressionistic and malleable" and has yet to foster a workable rule. *Loper Bright Enterprises* v. *Raimondo*, 603 U.S. 369, 408, 410 (2024). After the Court attempted to return the doctrine to its original scope in *Exxon Mobil*, some understood the doctrine to have been "interred." *Lance*, 546 U.S. at 468 (Stevens, J., dissenting); see Samuel Bray, *Rooker Feldman (1923-2006)*, 9 Green Bag 2d 317, 317-318 (2006). But

the doctrine continued to be applied with frequency. See pp. 36-37, *supra*. Even since *Exxon Mobil*, the lower courts have emphasized the continuing need for clarity regarding the doctrine, see *ibid.*, suggesting that the doctrine is "incapable of principled application." *Allen* v. *Milligan*, 599 U.S. 1, 49 (2023) (Thomas, J., dissenting).

Nor do reliance interests counsel in favor of maintaining *Rooker-Feldman*. Congress legislates in response to "[o]nly a miniscule portion of the jurisdictional decisions rendered by the courts," F. Andrew Hessick, *The Common Law of Federal Question Jurisdiction*, 60 Ala. L. Rev. 895, 939 (2009), and is thus unlikely to have acted in reliance on *Rooker*. For decades, Congress and the lower courts have "been on notice" of the Court's efforts to rein in *Rooker-Feldman*. *Janus* v. *State, County & Municipal Employees*, 585 U.S. 878, 927 (2018). And because the doctrine does not govern "the way in which parties order their affairs," it has created minimal—if any—reliance interests for litigants. *Pearson* v. *Callahan*, 555 U.S. 223, 233 (2009). Indeed, as already explained, other doctrines serve the same purposes as *Rooker-Feldman*. See pp. 40-43.

To be sure, stare decisis can apply to a decision holding that a procedural rule is jurisdictional in nature. See *Wilkins*, 598 U.S. at 159-160. But it also carries less weight when applied to a "rule of procedure that does not alter primary conduct." *Hohn* v. *United States*, 524 U.S. 236, 252 (1998); see, *e.g.*, *Pearson*, 555 U.S. at 233. And even statutory stare decisis, to the extent it applies here, "is not absolute." *Allen*, 599 U.S. at 42 (Kavanaugh, J., concurring).

At bottom, *Rooker-Feldman* has been a notorious source of vexation for courts and litigants alike. Although petitioner believes it is unnecessary to overrule the doctrine in order to reverse the judgment below, the Court

should not hesitate to do so if it were to conclude that the doctrine cannot be cabined.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

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