No. 25-197

In the Supreme Court of the United States

T.M.,

Petitioner,

v.

UNIVERSITY OF MARYLAND
MEDICAL SYSTEM CORPORATION, et al.,

Respondents.

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

BRIEF FOR THE INSTITUTE FOR JUSTICE AS AMICUS CURIAE IN SUPPORT OF PETITIONER

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"*Rooker*-Feldman continues to wreak havoc across the country. * * * Notwithstanding *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. Here's to urging the Court to give one last requiem to *Rooker-Feldman*."

> - *VanderKodde v. Mary Jane M. Elliott, P.C.*,
> 951 F.3d 397, 405 (6th Cir. 2020)
> (Sutton, J., concurring)

INTEREST OF AMICUS CURIAE[1]

The Institute for Justice (IJ) is a nonprofit public interest law firm that litigates to uphold individuals' constitutional rights. We routinely file federal lawsuits focused on our four pillars of economic liberty, private property rights, free speech, and educational freedom. Our clients stand up to unconstitutional laws and policies, but they typically only learn they are subject to those unjust policies after facing enforcement. This is common not just for IJ's clients but for all civil-rights litigants, as any plaintiff with a sufficiently certain injury to have standing will typically have faced enforcement. And that will often involve a state court proceeding.

IJ carefully follows federal procedural rules to vindicate our clients' rights. And we can do so because federal procedural case law and state preclusion rules typically yield comprehensible guidelines for their application. But the *Rooker-Feldman* doctrine is an unpredictable animal that is applied inconsistently, and often improperly, by the lower courts. This Court has recognized that and has

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[1] In accordance with Rule 37.6, no counsel for a party authored this brief in whole or in part, and no person other than amicus or its counsel have made any monetary contributions intended to fund the preparation or submission of this brief.

repeatedly admonished that the *Rooker-Feldman* doctrine is extremely narrow. Yet it continues to bedevil civil-rights litigants. A chorus of judges, scholars, and members of this Court have condemned broad applications of the doctrine, but lower federal courts have not gotten the message.

It is meritorious civil-rights plaintiffs like IJ's clients—and the federal rights they seek to vindicate—who bear the costs. To protect their rights, we submit this brief urging the Court to complete its decades-long project of curtailing *Rooker-Feldman*'s profligate use to improperly frustrate federal claims.

SUMMARY OF ARGUMENT

Petitioner persuasively explains why the *Rooker-Feldman* doctrine,[2] on its own terms, ought not apply to state court judgments subject to further review. But we urge the Court to resolve this case by answering an antecedent question: Should the *Rooker-Feldman* doctrine continue to exist at all?

The answer is no. Claim and issue preclusion resolve all the legitimate concerns *Rooker-Feldman* might address, and they are tethered to an actual statutory command. *Rooker-Feldman*, by contrast, is an atextual implication at odds with modern modes of statutory interpretation, and it continues to wreak havoc despite this Court's best efforts at restraint. Petitioner cogently argues for abrogating *Rooker-Feldman* as an in-the-alternative basis for prevailing. Pet'r Br. 44-47. We encourage the Court to resolve this case on that ground, rather than leaving *Rooker-Feldman* to haunt the lower courts.

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[2] *Rooker v. Fidelity Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

Part I explains that this Court's efforts to cabin *Rooker-Feldman* have failed. In *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005), the Court instructed lower courts to apply the doctrine only narrowly. IJ's experience shows that courts have not honored those limits, and that both courts and defendants continue raising the doctrine even when it plainly does not apply. Litigating *Rooker-Feldman* delays cases, harming civil-rights litigants who face ongoing abridgments of their constitutional rights. We also present empirical evidence to confirm that IJ's clients are hardly unique and that *Rooker-Feldman*'s appearance in the lower courts has consistently grown since *Exxon Mobil*.

Part II provides the solution: abrogate the *Rooker-Feldman* doctrine. This Court's *stare decisis* factors support abrogation. First, the doctrine is poorly reasoned. It goes beyond the statutory text to imply a jurisdictional limitation that Congress never wrote into law. That offends this Court's modern approaches to statutory interpretation and jurisdiction. Second, the doctrine has proven unworkable—and lower courts have proven incorrigible. And last, there are no significant reliance interests in the *Rooker-Feldman* doctrine. To the extent state courts (or other actors) rely on federal courts respecting state judgments, the full-faith-and-credit statute, 28 U.S.C. § 1738, fully protects those interests.

Part III offers a middle ground if the Court wishes to more forcefully repudiate a broad *Rooker-Feldman* doctrine without wholly abrogating it. That would involve overturning *Feldman* only, with its erroneous extension of the doctrine to cases "inextricably intertwined" with state court judgments. *Feldman* was an aberration, at odds with how the Court has articulated the doctrine before and since. Overturning it would decisively narrow the doctrine to apply only in cases that exactly replicate relief

obtainable in a cert petition available under Section 1257. We also offer implications of this narrowing rule to provide guidance to the lower courts.

ARGUMENT

I. THIS COURT TRIED TO INTER THE *ROOKER-FELDMAN* DOCTRINE, BUT IT HASN'T WORKED.

From its humble origins and limited scope, lower federal courts expanded *Rooker-Feldman* to bar federal jurisdiction over an ever-growing array of cases related, even tangentially, to prior state litigation. *Exxon Mobil*, 544 U.S. at 283. In response, this Court in *Exxon Mobil* emphasized that *Rooker-Feldman* applies only in "limited circumstances," when a state-court loser asks a federal court to reject a final state judgment. *Id.* at 291. But lower courts didn't get the message.

In this Part, we provide evidence from IJ's own experience, alongside broader empirical data. Both show that *Rooker-Feldman* continues to be raised and applied well beyond the narrow scope this Court prescribed, imposing real costs on litigants. Despite this Court's efforts to "finally inter[] the so-called '*Rooker-Feldman* doctrine,'" *Lance v. Dennis*, 546 U.S. 459, 468 (2006) (Stevens, J., dissenting), it still stalks the lower courts' jurisprudence "[l]ike some ghoul in a late-night horror movie," *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 398 (1993) (Scalia, J., concurring in the judgment).

A. IJ's Experience Shows *Rooker-Feldman* Continues To Impose Costly Delays.

IJ often litigates federal civil-rights cases with some relation to state court proceedings. Even when those cases fall far beyond the limited circumstances of *Rooker* and *Feldman*, we still waste time and money refuting

spurious arguments relying on the doctrine. And sometimes the district court gives in to the doctrine's siren song, spawning needless appeals and delaying cases for years.

1. That's what happened to IJ client Sarah Hohenberg. She lost her Memphis home after the Shelby County Environmental Court ordered her to leave and issued a warrant for her arrest. *Hohenberg v. Shelby County*, 68 F.4th 336, 338 (6th Cir. 2023). She filed for bankruptcy and was forced to flee to a motel in Mississippi. First Amended Civil Rights Complaint (Hohenberg Complaint) 15, No. 2:20-cv-02432 (W.D. Tenn. July 6, 2020), Dkt. No. 16. That Environmental Court gives kangaroo courts a bad name: It doesn't follow rules of evidence, didn't allow Ms. Hohenberg to raise constitutional issues, and didn't even create a record from which she could appeal. 68 F.4th at 338. So, with another homeowner, she sued, alleging that the government violated their due-process rights by subjecting them to proceedings that lacked adequate procedural safeguards. Hohenberg Complaint at 21-23. Rather than challenging any final state court decision, our clients sought damages and a declaration that the Environmental Court's policies and procedures were unconstitutional. *Id.* at 23-24.

The district court dismissed the suit under the *Rooker-Feldman* doctrine, reasoning simply that state court judgments were "at issue." 2022 WL 3088100, at *5 (W.D. Tenn. Aug. 3, 2022). The district court even acknowledged that the plaintiffs didn't ask it to overturn any judgments, but it still characterized the request for declaratory relief and damages as "a request for appellate review." *Id.* at *6.

It took an appeal to the Sixth Circuit to fix. That court decried "lower courts' extravagant use of *Rooker* and

Feldman" to clear dockets. *Hohenberg*, 68 F.4th at 340. As it explained, 28 U.S.C. § 1257(a)'s negative jurisdictional implication can apply only when a federal suit challenges a state judgment and asks to "undo or overturn" it. *Id.* (cleaned up). Ms. Hohenberg's case did neither. The allegations challenged how the Environmental Court operated, not the specific judgments it reached. *Id.* And awarding damages or declaratory relief wouldn't affect any judgments. *Id.* at 340-41. Quite simply, the plaintiffs "ha[d] not appealed anything," and even if their claims impugned the Environmental Court's orders, that's not enough for *Rooker-Feldman*'s jurisdictional bar. *Id.* at 341-42.

Ms. Hohenberg's case illustrates the harms imposed by district courts' continued over-application of *Rooker-Feldman*. Appeals are costly and time-consuming. In her case, it took a year to clear up the *Rooker-Feldman* error. The whole time, our client—who is elderly, with meager resources—was denied a federal remedy. The case remains pending before the district court; Ms. Hohenberg remains without stable housing.

2. IJ clients were forced to endure similar delay in *Sung Cho v. City of New York*, 910 F.3d 639 (2d Cir. 2018). There, a New York City abatement ordinance allowed the City to close properties where certain crimes occurred, even if the owner had nothing to do with them. *Id.* at 642. As a result, our clients faced eviction notices even though they had committed no crimes. *Id.* at 643. Under pressure from the City and its attorneys, they entered into settlement agreements that required them to waive various constitutional rights. *Id.* State trial judges then signed off on those agreements with a rote "so ordered" docket entry. *Id.*

Our clients filed a federal suit asserting the City's scheme unconstitutionally coerced them into waiving their rights in violation of the Fourteenth Amendment. *Id.* at 643-44; Class Action Complaint (Sung Cho Complaint) 40-49, No. 1:16-cv-07961, Dkt. No. 1 (S.D.N.Y. Oct. 12, 2016). As in *Hohenberg*, they didn't appeal any state court decision. Rather, they asked the district court to declare the City's abatement ordinance unconstitutional, to enjoin City officials from enforcing agreements obtained via the ordinance, and to award nominal damages. 910 F.3d at 643-44; Sung Cho Complaint at 51-53.

At a motion-to-dismiss hearing, the district court *sua sponte* raised *Rooker-Feldman* and requested supplemental briefing. *Id.* at 644. The court's ultimate decision quoted the standard from *Exxon Mobil*. 2018 WL 401512, at *3 (S.D.N.Y. Jan. 12, 2018) (citing *Exxon Mobil*, 544 U.S. at 284). But it nevertheless dismissed the case under *Rooker-Feldman*. *Id.* at *4-5.

The Second Circuit vacated the dismissal. As it explained, the claim challenged the City's conduct in enforcing the abatement ordinance through coercive settlement agreements, not the state court decisions "so ordering" those agreements. 910 F.3d at 645-46. And the harm was divorced from any state court judgment. Unconstitutional coercion was illegal regardless of any later judicial order, and the settlement agreements themselves became effective before any court judgment. *Id.* at 647-49.

After the Second Circuit's ruling, the City agreed not to enforce agreements it had reached under the no-fault abatement ordinance. Dkt. No. 111 at 4 (Oct. 2, 2020). But that vindication of our clients' rights was delayed by the district court's *Rooker-Feldman* error—first by four months for supplemental briefing and consideration at the district court, then for almost a year on appeal.

3. These two cases exemplify how this Court's efforts since 2005 to limit the reach of the *Rooker-Feldman* doctrine have failed. Both erroneous district-court decisions identified *Exxon Mobil* as articulating the correct standard. *Hohenberg*, 2022 WL 3088100, at *4; *Sung Cho*, 2018 WL 401512, at *3. Both cited circuit court cases limiting the doctrine after *Exxon Mobil*. *Hohenberg*, 2022 WL 3088100, at *5; *Sung Cho*, 2018 WL 401512, at *3. Yet both wrongly applied the doctrine anyway.

These are two egregious examples where district courts erroneously dismissed our clients' cases. But they are far from the only times IJ has had to fend off spurious invocations of *Rooker-Feldman* across widely varying circumstances. *See, e.g.*, *Richwine v. Matuszak*, 707 F. Supp. 3d 782, 794-95 (N.D. Ind. 2023) (rejecting *Rooker-Feldman* in free-speech challenge to state statute after ordering supplemental briefing), *aff'd*, 148 F.4th 942 (7th Cir. 2025); *Fambrough v. City of East Cleveland*, No. 1:22-cv-992, ECF No. 35 at 6 (N.D. Ohio Jan. 30, 2023) (court *sua sponte* ordering *Rooker-Feldman* briefing in First Amendment retaliation case); *Brucker v. City of Doraville*, No. 1:18-cv-02375, 2019 WL 3557893, at *4-5 (N.D. Ga. Apr. 1, 2019) (rejecting *Rooker-Feldman* in procedural-due-process challenge to structure of a municipal court), *aff'd*, 38 F.4th 876, 882 n.1 (11th Cir. 2022); *Birchansky v. Clabaugh*, 421 F. Supp. 3d 658, 665-68 (S.D. Iowa 2018) (*Rooker-Feldman* did not bar constitutional challenge to certificate-of-need requirement for outpatient surgery centers); *Collins v. Battle*, No. 1:14-cv-03824, 2015 WL 10550927, at *2 n.1 (N.D. Ga. July 28, 2015) (rejecting *Rooker-Feldman* when government acknowledged it didn't apply after having moved to dismiss on *Rooker-Feldman* grounds); *Eck v. Battle*, No. 1:14-cv-962, 2014 WL 11199420, at *3 (N.D. Ga. July 28, 2014) (rejecting government's argument *Rooker-*

Feldman applied to state administrative decisions); *Brody v. Village of Port Chester*, No. 00-cv-7481, 2007 WL 704002, at *5 (S.D.N.Y. Mar. 7, 2007) (rejecting government *Rooker-Feldman* argument in due-process challenge to inadequate notice in condemnation proceedings).

B. Empirical Evidence Indicates Lower Courts Are (Ab)using *Rooker-Feldman* More Than Ever.

Broader empirical evidence indicates IJ's experience is not unique. In preparing this brief, we conducted a Westlaw search across just the year 2025, which showed that district and circuit courts used the term "*Rooker-Feldman*" in 1,956 cases.[3] And *Rooker-Feldman* issues continue to inundate this Court. In October Term 2024 alone, this Court received 33 filings at the certiorari stage citing "*Rooker-Feldman*." Since the start of 2020, that figure is 223 filings. That doesn't suggest that courts are limiting the doctrine's application.

A 2015 study showed the doctrine's use had grown dramatically since *Exxon Mobil* sought to restrain *Rooker-Feldman* in 2005. *See* Raphael Graybill, *The Rook That Would Be King:* Rooker-Feldman *Abstention Analysis After* Saudi Basic, 32 Yale J. on Reg. 591 (2015); *see also VanderKodde*, 951 F.3d at 407 (Sutton, J., concurring) (noting paper's findings matched personal judicial experience). The paper looked at *Rooker-Feldman*'s usage in three ways across four different four-year periods. First, it evaluated the total number of cases using the phrase "*Rooker-Feldman*." Graybill, *supra*, at 597-98. Then, it identified cases where the courts likely applied the doctrine by searching for "Rooker-Feldman" within 25 words of terms suggesting that a court used the

[3] A similar Lexis search identified "*Rooker-Feldman*" in 2,051 cases.

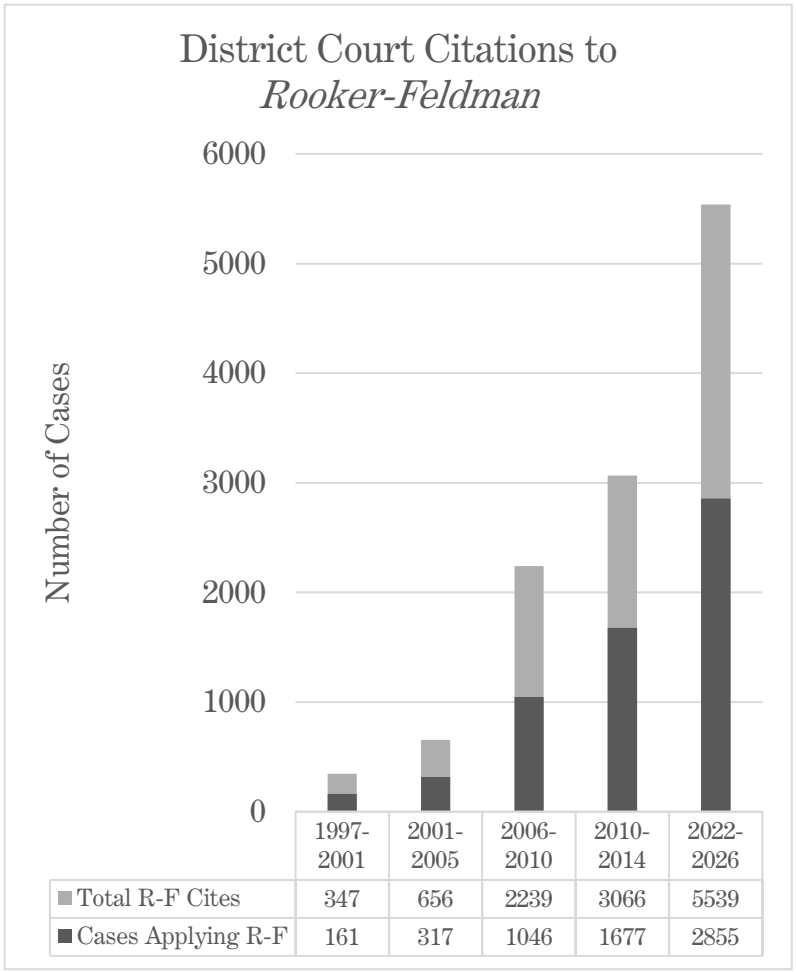
doctrine to bar jurisdiction ("applies," "lacks jurisdiction," or "bars"). *Id.* at 598. Finally, the paper tallied cases where courts likely rejected the doctrine by searching for "Rooker-Feldman" within 25 words of terms suggesting the doctrine didn't apply ("does not bar," "does not apply," or "inapplicable"). *Id.* And to test whether the change in frequency differed from other types of cases, the paper also tracked the frequency of two control terms: "Fourth Amendment" and "auto! accident." *Id.* at 597.

Graybill's results are striking: Lower courts followed *Exxon Mobil* "with a significant *increase* in the number of cases citing and applying *Rooker-Feldman*." *Id.* at 599. The growth substantially outpaced the control terms, *id.*, and the study's methodology suggested most of those cases were applying the doctrine to bar suits, *id.* at 599-600. Graybill concluded that "the Supreme Court and the district courts live in different worlds." *Id.* at 598-99.

More recent evidence shows those worlds aren't getting any closer. We replicated that paper's methodology for the most recent four-year period (January 1, 2022, to January 1, 2026) and found that the total number of district court cases citing *Rooker-Feldman* has increased yet again by over 80%—from Graybill's 3,066 cases identified in the 2010-2014 period, to 5,539 cases we identified in the most recent four-year period.[4] And the district court cases likely to have applied a *Rooker-Feldman* bar based on the paper's search terms increased by 70%. In short, replicating the analysis on more recent data suggests that district courts are citing *Rooker-Feldman* ever more often, and they're applying it to bar ever more cases.

[4] Because some 2025 cases may be added to Westlaw after we file this brief in late January 2026, the numbers may grow.

A graph of those numbers is startling. Here we replicate and combine Tables 1 and 3 from Graybill's original paper, *see id.* at 598-600, and add our analysis of the most recent four-year period. It shows that the number of cases citing *Rooker-Feldman* and those seemingly applying the doctrine only continue to grow exponentially:



	1997-2001	2001-2005	2006-2010	2010-2014	2022-2026
Total R-F Cites	347	656	2239	3066	5539
Cases Applying R-F	161	317	1046	1677	2855

C. This Evidence Reflects Real Costs From The *Rooker-Feldman* Doctrine.

IJ is just one civil-rights law firm, and our clients' experiences show that *Rooker-Feldman* comes up again and again, delaying justice for our clients by years. The national numbers confirm that our experience is not unusual. These examples and data tell a story of unnecessary litigation costs and of delayed (or denied) justice.

And the IJ experiences may be comparatively rosy. At least our clients eventually prevailed over the *Rooker-Feldman* doctrine. But IJ is an experienced civil-rights law firm that's well equipped to anticipate and litigate difficult procedural issues. Most victims of constitutional violations come to court with fewer resources and less experience—and maybe even without a lawyer. In 2025, for example, two-thirds of published circuit court opinions vacated or reversed district courts' *Rooker-Feldman* dismissals. The picture was different for pro se plaintiffs. Among unpublished circuit court opinions, a far higher proportion affirmed dismissals under *Rooker-Feldman*, and our review of those cases showed that most involved pro se plaintiffs. The *Rooker-Feldman* doctrine sets a trap even for experienced litigators and federal judges; no wonder it ensnares less experienced litigants.

IJ's experience and the statistics of *Rooker-Feldman*'s usage in the lower courts show that the doctrine continues to thwart federal consideration of suits within the district courts' jurisdiction. Half-measures and admonishments to curtail the doctrine have failed.

II. THE COURT SHOULD ABROGATE *ROOKER-FELDMAN*.

As Part I reinforces, "*Rooker-Feldman* continues to wreak havoc across the country." *VanderKodde*, 951 F.3d at 405 (Sutton, J., concurring). It has "bec[o]me a prolific source of controversy, spawning a brood of lower-court heirs," "an untethered way for federal courts to defer to state court litigation of related cases and controversies and a new way to avoid deciding federal questions." *Id.* at 406. That is even though *this* Court has never treated the doctrine so extravagantly, and since 1983 has "never applied *Rooker-Feldman* to dismiss an action for want of jurisdiction," instead only mentioning the doctrine "in passing or to explain why" the doctrine "did not dictate dismissal." *Exxon Mobil*, 544 U.S. at 287.

In *Exxon Mobil*, this Court tried to narrow the doctrine. The gist of the opinion was that "unless your name was Rooker or Feldman," the doctrine's "supposed limit on the jurisdiction of the federal courts applied to" practically "no one." *VanderKodde*, 951 F.3d at 405 (Sutton, J., concurring). A year later, *Lance* reaffirmed that "*Rooker-Feldman* is not simply preclusion by another name" and "applies only in 'limited circumstances.'" 546 U.S. at 466; *accord id.* at 467-68 (Stevens, J., dissenting). One justice took away the lesson that the Court had definitively buried the doctrine. *See Marshall v. Marshall*, 547 U.S. 293, 318 (2006) (Stevens, J., concurring in part) ("I would provide the creature with a decent burial in a grave adjacent to the resting place of the *Rooker-Feldman* doctrine.").

But the evidence reveals the doctrine's vitality has not been sapped. It's now time for this Court to complete the project begun in *Exxon Mobil* and to "finally inter[] the so-called '*Rooker-Feldman* doctrine.'" *Lance*, 546 U.S. at

468 (Stevens, J., dissenting). "[T]he *stare decisis* considerations most relevant here—the quality of the [doctrine's] reasoning, the workability of the rule it established, and reliance on the [doctrine]—all weigh in favor of letting [*Rooker-Feldman*] go." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 407 (2024) (cleaned up). We address each element in turn.

A. The *Rooker-Feldman* Doctrine Is Wrong.

1. Congress has expressly given the district courts broad jurisdiction over a wide range of suits, including federal-question jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. Likewise, district courts have broad civil-rights jurisdiction over claims "[t]o redress the deprivation * * * of any right, privilege or immunity secured by the Constitution of the United States" or "[t]o recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights." *Id.* § 1343(a)(3)-(4); *cf.* 42 U.S.C. § 1983.

Many (if not most) litigants with a concrete-enough injury for standing to challenge an unconstitutional law or policy will have faced application of that law to them, often in a court proceeding. And federal litigation over the constitutionality of that law will often overlap with, or even undermine, how the law was applied in state court. Yet such suits for damages or equitable remedies fall squarely within the express terms of Congress's jurisdictional grants to the district courts. IJ's cases discussed above are examples.

2. Against Congress's broad, express grants of district-court jurisdiction stands *Rooker* and *Feldman*'s curious interpretation of Section 1257 and its predecessor. All that statute says is that this Court has jurisdiction to review "[f]inal judgments or decrees rendered by the

highest court of a State in which a decision could be had," 28 U.S.C. § 1257(a), and that the D.C. Court of Appeals shall be treated as a state high court for those purposes, *id.* § 1257(b). It says *nothing* about the district courts' jurisdiction; much less does it strip them of any.

Nevertheless, *Rooker* said that Section 1257's predecessor implied that "no court of the United States other than this [C]ourt" could hear proceedings that fall within its ambit. 263 U.S. at 416. Subsequent cases assumed that was correct. *E.g.*, *Exxon Mobil*, 544 U.S. at 292 (observing Section 1257 has been "long interpreted" to "vest[] authority to review a state court's judgment solely in this Court"). But in each of those cases, the Court has simply restated *Rooker*'s conclusory interpretation without squarely justifying the negative implication from Section 1257's affirmative grant of jurisdiction.

In the same breath, the Court has recognized that nothing stops Congress from giving the district courts concurrent jurisdiction with this Court. *See id.* at 292 n.8. Indeed, the habeas statutes give this Court, the circuit courts, and district courts the same concurrent power to "entertain an application for a writ of habeas corpus." 28 U.S.C. § 2254(a). Why statutes like 28 U.S.C. §§ 1331 and 1343 should not be treated the same way has never been explained.[5]

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[5] Perhaps recognizing that Section 1257's text provides little support for the *Rooker-Feldman* doctrine, Respondents also note that jurisdiction-granting statutes like Section 1331 are limited to conferring "original" jurisdiction on the district courts. *See* BIO 27-28. But treating that single word "original" as a font for an expansive *Rooker-Feldman*-style doctrine has all the same problems as *Rooker-Feldman* itself by extracting a sweeping and unpredictable jurisdictional bar from the thinnest of textual bases. The general rule of the district courts' federal-question jurisdiction is broad: They

Pragmatic considerations may explain the *Rooker* decision better than principled statutory interpretation. When it was decided in 1923, this Court still had mandatory jurisdiction over most appeals asserting federal constitutional errors. *See* Act of Sept. 6, 1916, Pub. L. No. 64-258, § 2, 39 Stat. 726, 726-27. Indeed, it was even required by statute to hear a *direct* appeal of the *Rooker* case from the district court. 263 U.S. at 415 (citing Judicial Code, § 238, codified at Comp. St. § 1215). So the Court had a strong motive to interpret Section 1257's predecessor to bar district-court jurisdiction, to prevent meritless appeals from making their way onto an overcrowded docket. That would be especially tempting in a case like *Rooker*, where the plaintiff had already brought the case to this Court and failed to achieve review, only to file anew in district court. *Id.* at 414-15. But *Rooker* could have reached the same result, on the merits, by applying normal principles of *res judicata* to give preclusive effect to the final judgment of the Indiana Supreme Court. It's understandable why the Court might have wanted a jurisdictional docket-clearing rule in an era of so much mandatory jurisdiction, but that does not make *Rooker*'s atextual statutory interpretation more persuasive.

3. The *Rooker-Feldman* doctrine also lacks "consistency with other related decisions" about the jurisdiction of the federal district courts in the century since

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have jurisdiction if the claim turns on the proper "construction" of "the Constitution and laws of the United States." *Verizon Md. Inc. v. Pub. Serv. Comm'n*, 535 U.S. 635, 643 (2002) (quoting *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998)). That some of these cases over which Congress has granted original jurisdiction may cover similar subject matters to cases within Section 1257's ambit, or may function as a collateral attack on some prior judgment, is no reason to infer that Congress didn't mean what it said in granting the district courts broad jurisdiction over federal questions.

Rooker. *Knick v. Twp. of Scott*, 588 U.S. 180, 203 (2019) (citation omitted).

First, implying an atextual jurisdictional exception conflicts with "the virtually unflagging obligation of the federal courts to exercise the jurisdiction given them." *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976). That's why, as *Exxon Mobil* held, the mere fact that similar questions have come up in state and federal cases does not strip jurisdiction from the district courts. 544 U.S. at 292. To the contrary, *Rooker-Feldman*'s broad application in the lower courts has had the improper effect of "overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts." *Id.* at 283.

The doctrine is also at odds with this Court's modern textualist approach to statutory interpretation. Section 1257 simply provides that a certain set of cases "may be reviewed by the Supreme Court by writ of certiorari." 28 U.S.C. § 1257(a). As this Court reads statutes today, what matters first and foremost is what the text says. *E.g.*, *Corner Post, Inc. v. Bd. of Governors of Fed. Res. Sys.*, 603 U.S. 799, 815 (2024). And nothing in Section 1257's grant of jurisdiction takes anything away from the district courts' jurisdiction.

To make matters worse, *Rooker-Feldman* is a jurisdictional rule. Not only does that invite lower courts to raise the doctrine *sua sponte* as a docket-clearing tool; it also conflicts with this "Court's recent efforts to tighten the screws on the meaning of subject matter jurisdiction." *VanderKodde*, 951 F.3d at 407-08 (Sutton, J., concurring) (collecting cases). As this Court "has reminded us nearly once a year for almost two decades, we should not lightly use jurisdictional rules to pinch-hit for non-jurisdictional ones." *Hohenberg*, 68 F.4th at 340-41 (collecting cases);

see, e.g., *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 510 (2006) ("Jurisdiction, this Court has observed, is a word of many, too many, meanings. This Court, no less than other courts, has sometimes been profligate in its use of the term." (cleaned up)).

4. Unsurprisingly, then, "[s]cholars" have "criticized [*Rooker-Feldman*] and urged the Supreme Court to reassess." *VanderKodde*, 951 F.3d at 406 (Sutton, J., concurring) (collecting sources); *accord Hohenberg*, 68 F.4th at 340 (similar); *see, e.g.*, 18B Wright & Miller, *Federal Practice and Procedure* § 4469.1 (3d ed. 2025 update) (describing *Rooker-Feldman* as "nearly redundant" of preclusion principles and observing that "room remains to limit it still further"); Erwin Chemerinsky, Federal Jurisdiction 897 (8th ed. 2021) ("[I]t is unclear what the *Rooker-Feldman* doctrine adds to other doctrines[.]"); Samuel Bray, *Rooker Feldman (1923-2006)*, 9 Green Bag 2d 317, 317-18 (2006) ("Rooker Feldman, the legal personality, died yesterday * * * . It is hoped that he leaves no survivors."); Thomas D. Rowe, Jr., Rooker-Feldman: *Worth Only the Powder To Blow It Up?*, 74 Notre Dame L. Rev. 1081, 1084 (1999) ("The academy has done its job, and now it is the Court's turn."); Jack Beerman, *Comments on* Rooker-Feldman *or Let State Law Be Our Guide*, 74 Notre Dame L. Rev. 1209, 1209 (1999) ("I have been unable to think of another legal doctrine that lacks both a clear role and a clear justification.").

B. *Rooker-Feldman* Is Unworkable.

"Experience has also shown that [*Rooker-Feldman*] is unworkable." *Loper Bright*, 603 U.S. at 407. As Part I reveals, this Court's efforts to rein in the doctrine have not worked. Instead, this Court has had "to clarify the doctrine again and again." *Id.* at 409. Like other doctrines this Court has abandoned after disuse, *Rooker-Feldman*

has not been applied by this Court since *Feldman* in 1983, even as it continues to be misused in the lower courts. *Cf. id.* at 410 ("[W]e have avoided deferring under *Chevron* since 2016."); *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 535 n.4 (2022) ("In the last two decades, this Court has often criticized or ignored *Lemon* and its endorsement test variation.").

At the same time, the *Rooker-Feldman* doctrine remains a source of turmoil in the lower courts, and its (mis)use is only growing. Experience since *Exxon Mobil* has shown that the doctrine "cannot be constrained by admonishing courts to be extra careful, or by tacking on a new batch of conditions." *Loper Bright*, 603 U.S. at 411. Even as this Court moved away from *Feldman*'s mischief-inviting "inextricably intertwined" test, lower courts continue to dismiss cases by applying that standard. *See, e.g.*, *Gilbank v. Wood Cnty. Dep't of Hum. Servs.*, 111 F.4th 754, 761, 767 n.5 (7th Cir. 2024) (en banc) (rejecting district court's reliance on the "inextricably intertwined" standard); *Graff v. Aberdeen Enterprizes, II, Inc.*, 65 F.4th 500, 516 & n.18 (10th Cir. 2023) (reversing district court order dismissing federal claims as "inextricably intertwined" with state-court judgments). Experience has proved that only a definitive end to the doctrine can fix the problem.

Even where *circuit* courts have tried to follow this Court's lead and restrain the doctrine, it has not stopped *district* courts from overly broad applications of *Rooker-Feldman*. IJ's *Hohenberg* case is a perfect example. It arose in the Sixth Circuit, where now-Chief Judge Sutton had given district judges flashing warnings not to apply the doctrine. *See VanderKodde*, 951 F.3d at 409 (Sutton, J., concurring) ("[A] federal court tempted to dismiss a case under *Rooker-Feldman* should do one thing: Stop."). But that did not stop the surely well-intentioned district

judge in *Hohenberg* from reaching for the doctrine to clear the docket. Only yet another opinion from Chief Judge Sutton—after a long delay for appeal—set things right. 68 F.4th at 340.

Not only have the district courts been unable to follow this Court's guidance over the past two decades, the *Rooker-Feldman* doctrine has also spawned Ptolemaic elaborations and conflicts among the circuit courts. For instance, the Second Circuit has discerned a four-prong test for the doctrine, rather than reading *Exxon Mobil* to be a narrow one-prong test about the bounds of Section 1257. *See Sung Cho*, 910 F.3d at 645; *accord* Pet. App. 9a; *contra Miroth v. County of Trinity*, 136 F.4th 1141, 1151 (9th Cir. 2025) (referring to two elements); *Hohenberg*, 68 F.4th at 340 ("§ 1257(a)'s negative implication requires *two* unusual things" (emphasis added)). And the multi-circuit split presented in this case is just one of several questions that have flummoxed the lower courts. *See, e.g.*, *In re Cleveland Imaging & Surgical Hosp., LLC*, 690 F. App'x 283, 286 (5th Cir. 2017) (recognizing circuit split on whether *Rooker-Feldman* applies to judgments that are void *ab initio*); *Gilbank*, 111 F.4th at 769 (five judges concluding *Rooker-Feldman* bars certain damages claims); *id.* at 789 (Easterbrook, J., concurring in the judgment) ("*Rooker-Feldman* does not deprive federal district courts of jurisdiction to award damages for injury caused by a state court's judgment."); *id.* at 797-98 (Kirsch, J., concurring in part) (six judges concluding *Rooker-Feldman* generally does not apply to damages claims); *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 406 (7th Cir. 2023) (identifying only one other circuit that applied a similar "corruption exception"); *but see id.* at 413 (Kirsch, J., dissenting from the denial of rehearing en banc) (identifying that "nearly every other circuit" applied a similar "corruption exception"); *see also* Bradford Higdon, *The* Rooker-

Feldman *Doctrine: The Case for Putting It to Work, Not to Rest*, 90 U. Cin. L. Rev. 352, 362-64 (2021) (identifying multiple post-*Exxon Mobil* circuit splits).

C. No Reliance Interests Support *Rooker-Feldman*.

"Nor has [*Rooker-Feldman*] been the sort of stable background rule that fosters meaningful reliance." *Loper Bright*, 603 U.S. at 410 (cleaned up). Indeed, what this Court said about the *Chevron* doctrine when discarding it applies remarkably well to *Rooker-Feldman*: Given the Court's "turn away from [*Rooker-Feldman*], and its inconsistent application by the lower courts, it * * * is hard to see how anyone * * * could reasonably expect a court to rely on [*Rooker-Feldman*] in any particular case." *Loper Bright*, 603 U.S. at 410 (cleaned up).

If it's foolish for litigants to rely on *Rooker-Feldman*, who would? Certainly not Congress or state courts. To the extent Congress wants to give force to state judgments, it has codified that in the Full Faith and Credit Act, 28 U.S.C. § 1738. *See Exxon Mobil*, 544 U.S. at 293. State courts can rely on that to ensure respect for their judgments. And to the extent state courts would not give preclusive effect to a judgment in a subsequent action, they can hardly be said to rely on the *Rooker-Feldman* doctrine to bar suits they would not preclude themselves.

Instead, the state courts' experience reveals that there is no need for a *Rooker-Feldman* doctrine:

> The state courts have not had problems dealing with overlapping state and federal court decisions from the other direction. Claim and issue preclusion principles have worked just fine in deciding how to deal with a pending or final federal court action with overlapping issues. To my knowledge, there is no *Rooker-Feldman* equivalent in the fifty

> state high courts. We might learn a thing or two from them.

VanderKodde, 951 F.3d at 408 (Sutton, J., concurring).

III. IN THE ALTERNATIVE, AND AT MINIMUM, THE COURT SHOULD GO FURTHER THAN *EXXON-MOBIL* TO ABROGATE *FELDMAN*.

This case presents the Court's first occasion to seriously revisit the *Rooker-Feldman* doctrine since it last did so two decades ago in *Exxon Mobil* and *Lance*. Experience has shown that those cases have not worked in the lower courts, and so this Court should take the opportunity to wholly abrogate the atextual and unnecessary *Rooker-Feldman* doctrine. But if this Court is reluctant to go so far, we present a half-way alternative: abrogating *Feldman* without revisiting *Rooker*. In Subpart A we explain why this would be warranted, and in Subpart B articulate some of the specific rules that would emerge from this more limited abrogation.

A. If The Court Will Not Jettison *Rooker-Feldman* Altogether, It Should Scrap *Feldman*.

Put simply: although *Rooker* was wrong, *Feldman* was worse. In the sixty years between the two, *Rooker* appeared only in passing in one of this Court's opinions and in one dissent from denial of cert. *See Exxon Mobil*, 544 U.S. at 288 n.3. But *Feldman*, with its loose "inextricably intertwined" dicta, unleashed a genie that even *Exxon Mobil* could not put back in the bottle. At minimum, then, the Court should take Chief Judge Sutton's invitation to "go[] back to the first link in this chain"—*Rooker* itself—and ditch the overweening "*Rooker-Feldman* doctrine" in favor of a more modest "1257 Rule" or "Supreme Court review rule" closely tethered to the

narrow terms of Section 1257. *VanderKodde*, 951 F.3d at 409 (Sutton, J., concurring).

1. Even if this Court is disinclined to overturn *Rooker*, it should reaffirm that Justice Van Devanter's short opinion was no sweeping exception to Congress's grants of jurisdiction, but instead a narrow implication from the predecessor statute to Section 1257. *See* 263 U.S. at 416 (interpreting Judicial Code, § 237, then codified at Comp. St. § 1214). *Rooker*'s facts exemplified its narrow reach: The plaintiff lost in state trial court; that was affirmed by the state supreme court; the plaintiff unsuccessfully sought U.S. Supreme Court review; and finally, after all that, the plaintiff tried again and sought the exact same relief in federal district court with the same parties as the state proceedings. *Id.* at 414-15. Worse still, the time for seeking such review had expired. *Id.* at 416. And the relief she sought was directly "declar[ing]" a state-court judgment "null and void." *Id.* at 414. All *Rooker* established was that for a case so clearly in the heartland of Section 1257's predecessor, the Court would not allow an alternate route to federal court.

2. But the unusual circumstances of *Rooker*—and the tersely reasoned opinion that resulted—provided no basis for *Feldman*'s more expansive ruling. In *Feldman*, the plaintiffs were not seeking a do-over from a failed cert petition (they appear not to have filed any). Indeed, the relief they sought did not directly attack any state court final judgment, much less seek to declare it "null and void" as in *Rooker*. Instead, the *Feldman* plaintiffs were challenging D.C.'s bar-admission rules under both the federal Constitution and antitrust laws. Rather than asking to reverse a final state judgment, the relief they sought was to invalidate the underlying bar-admission rules and an order allowing them to sit for the bar exam. 460 U.S. at 468-69 & n.3, 472-73. This Court correctly recognized the

thrust of the plaintiffs' lawsuits was well within the district court's jurisdiction, insofar as they were "a general attack on the constitutionality" of the bar rules. *Id.* at 487.

But in rejecting a narrow part of the plaintiffs' claims, Justice Brennan's opinion for the Court unleashed the sprawling *Rooker-Feldman* doctrine. The opinion held that the district court lacked jurisdiction over the plaintiffs' claims "to the extent" they "sought review" of the D.C. high court's "denial of their petitions for waiver" of the bar requirements. *Id.* at 482. But the Court provided little guidance on how to separate that aspect of the claims from the permissible aspects attacking the bar rules. Worse still, the phrase the Court chose—things "inextricably intertwined" with the state court adjudication, *id.* at 486—was both vague and untethered from Section 1257's text. Lower courts took that phrase and ran with it. *See VanderKodde*, 951 F.3d at 406 (Sutton, J., concurring) ("The Court's suggestion that federal courts lack jurisdiction over claims 'inextricably intertwined' with state court 'decisions' became a prolific source of controversy, spawning a brood of lower-court heirs." (cleaned up)).

Justice Stevens's dissent in *Feldman* was more persuasive. As he noted, a "collateral attack upon the unconstitutional application of [the bar-admission] rules" was plainly within Section 1331's grant of federal-question jurisdiction. 460 U.S. at 490 (Stevens, J., dissenting). "There may be other reasons for denying relief to the plaintiff," including "claim or issue preclusion," "[b]ut it does violence to jurisdictional concepts for this Court to hold * * * that the federal district court has no *jurisdiction* to conduct independent review of a specific claim that a licensing body's action did not comply with federal constitutional standards." *Id.* The majority would have done better to stick to its core jurisdictional holding—that the crux of the plaintiffs' claims were within the district

court's jurisdiction—and leave for remand whether the D.C. courts' prior rulings would have any effect on the merits through doctrines like claim and issue preclusion.

3. This Court's opinions since *Feldman* strongly suggest it was a misstep. As Justice Ginsburg's opinion for a unanimous Court acknowledged in *Exxon Mobil*, the *Rooker-Feldman* doctrine in the lower courts had come to be "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." 544 U.S. at 283. In *Exxon Mobil*, the only references to the "inextricably intertwined" standard were in describing *Feldman* and noting that the court of appeals had applied the "inextricably intertwined" test. *Id.* at 286 & n.1, 291.

But *this* Court pointedly did *not* apply the "inextricably intertwined" standard or anything like it. To the contrary, it made clear that "parallel state and federal litigation" is not sufficient to "trigger[]" the Section 1257 jurisdictional bar. *Id.* at 292. Rather, "the pendency of an action in the state court is no bar to proceedings concerning the same matter in the Federal court having jurisdiction." *Id.* (quoting *McClellan v. Carland*, 217 U.S. 268, 282 (1910)). Even more decisive in repudiating any inextricably-intertwined standard, the Court was clear: "Nor does § 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. Instead, district courts can have jurisdiction over such a claim, even if it is "one that denies a legal conclusion that a state court has reached in a case to which [the plaintiff] was a party." *Id.* (citation omitted).

Since *Exxon Mobil*, the Court has consistently retreated from *Feldman*'s loose articulation. The next year

in *Lance*, the Court rejected applying *Rooker-Feldman* where parties to the state court litigation differed from those in the federal litigation. The Court again chided lower courts for reading *Rooker* and *Feldman* as "a wide-reaching bar" and observed that the Court's "cases since *Feldman* have tended to emphasize the narrowness of the *Rooker-Feldman* rule." *Lance*, 546 U.S. at 464.

The Court's cases since have continued to reject arguments that the doctrine should apply, effectively disavowing anything as freewheeling as *Feldman*'s inextricably-intertwined standard. *See Reed v. Goertz*, 598 U.S. 230, 234-35 (2023); *Skinner v. Switzer*, 562 U.S. 521, 531-33 (2011); *accord Verizon*, 535 U.S. at 644 n.3; *Johnson v. De Grandy*, 512 U.S. 997, 1005-06 (1994).[6]

All told, this Court's *Rooker-Feldman* cases reflect that *Feldman* is an aberration. From *Rooker* on, the Court has hewed to treating the doctrine as barring jurisdiction only when a case would directly implicate Section 1257's grant of jurisdiction. *Feldman* is the only case expanding the doctrine further.

4. Thus, even if the Court wishes to retain *Rooker*'s central holding about Section 1257's jurisdictional exclusivity, that can be honored with a far simpler "1257 Rule" or "Supreme Court review rule" in place of the *Rooker-Feldman* doctrine. *VanderKodde*, 951 F.3d at 409 (Sutton,

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[6] Some judges have taken the hint that "the phrase 'inextricably intertwined' has no independent content" given post-*Feldman* precedents from this Court. *Hoblock v. Albany Cnty. Bd. of Elections*, 422 F.3d 77, 87 (2d Cir. 2005); *accord, e.g.*, *In re Adams*, 151 F.4th 144, 155 (3d Cir. 2025); *Miroth*, 136 F.4th at 1147. That lower-court judges have (correctly) taken to ignoring *Feldman*'s central innovation is more reason to formally abandon that decision. All the more so because other judges, even in the same circuits, still apply the "inextricably intertwined" test, *e.g.*, *Chris H. v. New York*, 764 F. App'x 53, 56 (2d Cir. 2019)—reflecting the unpredictability of the doctrine.

J., concurring). Under that narrower rule, if a lawsuit in district court is *exactly* replicating what Section 1257 allows through a cert petition, then Section 1257 would bar the suit. If there is any difference, it would not.

This case illustrates one way the rule would work. For Section 1257 to bar a suit, it must apply in the first place. In Petitioner's case, there are no "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had." 28 U.S.C. § 1257. So she does not fall within the bounds of Section 1257, and accordingly it does not bar district-court jurisdiction. This Court already strongly suggested that result in *Lance*, where it indicated that *Rooker-Feldman* did not apply because the plaintiff was "not in a position to ask this Court to review the state court's judgment." 546 U.S. at 465 (cleaned up). Short of ditching *Rooker-Feldman* altogether, the Court should make *Lance*'s suggestion explicit by abrogating *Feldman* in favor of a narrow rule that *Rooker* will apply only to cases that *exactly* replicate what Section 1257 makes available via cert petition.

B. The Court Should Also Articulate Important Effects Of Abrogating *Feldman*.

In addition to formally overturning *Feldman* and reversing the court of appeals' judgment in this case, the Court can helpfully rein in the lower courts by elaborating some results that would entail for other cases. We suggest three such principles here that would go a long way to clearing up misuse of the doctrine in the lower courts.

1. Although the Court in *Exxon Mobil* and *Lance* implied the end of the inextricably-intertwined standard, abrogating *Feldman* should mean formally rejecting it. That language continues to be a basis for district courts to apply *Rooker-Feldman* in an overbroad manner and for defendants to argue for such application. It's

especially easy for that to happen with an unsophisticated or pro se plaintiff. He may not realize the subsequent retreat from *Feldman*, and so may not present the district judge or magistrate judge with more recent precedents that cast doubt on the inextricably-intertwined test.

On this point, we would urge the Court to adopt Chief Judge Sutton's formulation explicitly: The *Rooker-Feldman* "doctrine does not apply to federal lawsuits presenting similar issues to those decided in a state court case or even to cases that present exactly the same, and thus the most inextricably intertwined, issues." *VanderKodde*, 951 F.3d at 406 (Sutton, J., concurring).

2. The Court should make clear that when a federal case has different parties from the prior state court case, the *Rooker-Feldman* doctrine will not apply. A statement like that could have warned off the district courts from making the errors they did in both *Hohenberg* and *Sung Cho*. This Court already strongly suggested such a rule in *Lance*, when it rejected a parties-in-privity expansion of *Rooker-Feldman*. 546 U.S. at 466; *see also De Grandy*, 512 U.S. at 1005-06 ("invocation of *Rooker/Feldman*" is "inapt" where plaintiff "was not a party in the state court"). It should make the general rule explicit.

3. Likewise, the Court should be clear that if a suit is seeking *any* sort of relief that could not be obtained through a cert petition, it does not fall within *Rooker-Feldman*. That is, unless the suit is simply seeking to vacate a final state-court judgment—or, in *Rooker*'s language, to "declare[]" it "null and void," 263 U.S. at 414—then the doctrine does not apply.

Thus, if the suit is seeking money damages, *Rooker-Feldman* would not apply. The same if, as in *Sung Cho*, it is attacking some antecedent act to the final state court judgment, such as the government's enforcement

practices or a settlement agreement only later reflected in a court order. Or if the suit challenges a separate and subsequent act, such as an executive enforcement action premised on the final state court judgment.

This simple rule, too, would have warded off the district courts in *Hohenberg* and *Sung Cho*.

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It is time for the Court to fully abrogate the *Rooker-Feldman* doctrine. But short of that, the Court could do worse than to adapt Chief Judge Sutton's admonition to the district courts: "Absent a claim seeking review of a final state court judgment, a federal court tempted to dismiss a case under *Rooker-Feldman* should do one thing: Stop. If the temptation lingers, the court should try something else: Reconsider." *VanderKodde*, 951 F.3d at 409. And because there is no "final state court judgment" here to review, Petitioner should prevail.

CONCLUSION

The court of appeals' judgment should be reversed.

Respectfully submitted.

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