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 OF FEDERAL COURTS SCHOLARS AS *AMICI CURIAE* SUPPORTING PETITIONER

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INTEREST OF *AMICI CURIAE*

The *amici curiae* are scholars who teach and write about federal courts and civil procedure.[1] Jack Beermann is the Philip S. Beck Professor of Law at the Boston University School of Law. Barry Friedman is the Jacob D. Fuchsberg Professor of Law at the New York University School of Law. James Pfander is the Owen L. Coon Professor of Law at the Northwestern Pritzker School of Law and an editor of Hart & Wechsler's *The Federal Courts and the Federal System* (8th ed. 2025). Adam Steinman is a Professor of Law at the Texas A&M University School of Law. The *amici* have a strong interest in the sound development of the law governing the federal courts and federal procedure.

[1] No counsel for a party authored any part of this brief and no person other than *amici* or their counsel made any monetary contribution intended to fund its preparation or submission.

SUMMARY OF THE ARGUMENT

The *Rooker-Feldman* doctrine "lacks both a clear role and a clear justification."[2] The doctrine rests on a flawed reading of federal jurisdictional statutes. Moreover, the doctrine serves no meaningful purpose because the "vast majority of cases that could be barred under *Rooker-Feldman* are already barred by other, more firmly established doctrines."[3] In addition, *Rooker-Feldman* imposes unnecessary costs on the judicial system. Because the doctrine limits the subject matter jurisdiction of federal courts, it has the potential to disrupt litigation and waste judicial resources. In short, there are no good reasons to reaffirm the *Rooker-Feldman* doctrine.

This Court has already taken steps to end *Rooker-Feldman*'s period of "minor celebrity."[4] In this case, the Court should at a minimum decline to extend the doctrine beyond the narrow circumstances of the *Rooker* and *Feldman* cases.[5]

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[2] Jack M. Beermann, *Comments on* Rooker-Feldman *or Let State Law Be Our Guide*, 74 Notre Dame L. Rev. 1209, 1209 (1999).

[3] *Id.*

[4] Samuel Bray, *Rooker Feldman (1923-2006)*, 9 Green Bag 317, 317–18 (2006); *see also Lance v. Dennis*, 546 U.S. 459, 468 (2006) (Stevens, J., dissenting) (expressing the view that the Court "finally interred the so-called '*Rooker-Feldman* doctrine'" in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005)).

[5] The *amici* take no position on whether this case would be properly subject to dismissal on other grounds on remand, including those discussed in this brief. Although the *amici* believe *Rooker* and *Feldman* should, at a minimum, be limited to their facts, they take no position on whether the doctrine of *stare decisis* supports overruling those decisions.

ARGUMENT

I. *Rooker-Feldman*'s purported statutory justification is flawed.

In *Rooker*, the Court drew inferences from two jurisdictional statutes. The Court looked first to Section 237 of the Judicial Code (now codified as amended at 28 U.S.C. § 1257), which grants this Court jurisdiction over final judgments rendered by the highest available state court. It also looked to Section 24 of the Judicial Code (now codified as amended at 28 U.S.C. § 1331 *et seq.*), which the Court described as granting "strictly original" jurisdiction to the district courts. *Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 416 (1923); *see also D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 476 (1983). *Rooker* drew "two negative inferences" from these statutes.[6] First, the Court reasoned that because Congress assigned "appellate jurisdiction to reverse or modify a state-court judgment" to the Supreme Court, that assignment is "exclusive[]." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005). Second, the Court determined that because Congress allocated "original" jurisdiction to the district courts, those courts do not possess "appellate[] jurisdiction." *Id.* On the basis of these inferences, the Court concluded that federal district courts lack jurisdiction over "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.

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[6] Beermann, *Comments*, *supra*, at 1228.

The language of these jurisdictional statutes does not justify the negative inferences that the Court drew in *Rooker*. Each statute makes an affirmative grant of jurisdiction and imposes no express limitation on the jurisdiction it confers. Because the jurisdictional statutes "are permissive, not restrictive," they "have much less meaning than the *Rooker-Feldman* doctrine ascribes to them."[7] Reading unexpressed limitations into jurisdictional statutes risks violating the cardinal principle that federal courts have a "virtually unflagging obligation … to exercise the jurisdiction given them." *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817–18 (1976). Indeed, the Court has described "declin[ing] the exercise of jurisdiction which is given" as "treason to the Constitution." *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 404 (1821).

Take § 1331 as an example. The statutory language "that should be understood as establishing the limits on federal jurisdiction is the limitation of the original jurisdiction to 'all civil actions arising under the Constitution, laws, or treaties of the United States.'"[8] The straightforward rule is that "a civil action arising under federal law" "is within the district court's jurisdiction, although other legal doctrines (such as preclusion and abstention) may prevent the action from proceeding to a judgment on the merits in federal court."[9] Moreover, the better view is that "a separate suit in federal courts

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[7] Beermann, *Comments*, *supra*, at 1229.

[8] Beermann, *Comments*, *supra*, at 1229 (quoting 28 U.S.C. § 1331) (emphasis omitted).

[9] *Id.* As explained *infra* Part II, that will often be the case.

challenging a state court decision is not an appeal."[10] Instead, it is "an original suit," *i.e.,* "a collateral attack, resting on a new cause of action."[11] For this reason, *Rooker* was mistaken to conclude that such suits fall outside of the district courts' "strictly original" jurisdiction. *Rooker*, 263 U.S. at 416. A "similar analysis applies" to § 1332.[12]

In addition, *Rooker-Feldman*'s reading of the jurisdictional statutes is both overinclusive and underinclusive. Beginning with overinclusion, this Court's jurisdiction over appeals from state courts is limited: (1) the appeals must be taken from "the highest court of a State in which a decision could be had," and (2) those appeals must involve a federal question. 28 U.S.C. § 1257(a); *see also Murdock v. City of Memphis*, 87 U.S. (20 Wall.) 590, 626 (1874). At most, this permits a narrow negative inference about district-court jurisdiction: district courts lack jurisdiction over direct appeals from state apex courts. But *Rooker-Feldman* has been extended well beyond

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[10] F. Andrew Hessick III, *The Common Law of Federal Question Jurisdiction*, 60 Ala. L. Rev. 895, 924 (2009).

[11] *Id.* Even if one were to accept the view that the federal courts were asked to exercise a form of appellate, rather than original, jurisdiction in *Rooker* and *Feldman*, that would not support the view that federal district courts exercise only "strictly original" jurisdiction. As Justice "Story's opinion in *Martin* makes clear, lower federal courts have *from the very beginning* exercised appellate jurisdiction, strictly speaking, over state courts." Akhil Reed Amar, *Two-Tiered Structure of the Judiciary Act of 1789*, 138 U. Pa. L. Rev. 1499, 1536 (1990); *see also Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat.) 304, 349 (1816) (observing that the "power of removal" has been "deemed" an "exercise of appellate, and not of original jurisdiction").

[12] Beermann, *Comments*, *supra*, at 1229 n.70.

that narrow circumstance. The doctrine has been applied to state-court judgments that have not been appealed, not just the judgments of "the highest Court of a State," 28 U.S.C. § 1257(a). That has happened even though "[b]oth the rationale and the facts of *Rooker* and *Feldman* preclude review by the lower federal courts of the final decisions of the states' *highest* courts, not the lower state courts,"[13] In this very case, the state-court action remains pending in the Appellate Court of Maryland (the state's intermediate appellate court)—yet the Fourth Circuit held that *Rooker-Feldman* applied.

The *Rooker-Feldman* doctrine is also underinclusive. If federal district courts exercise "strictly original" jurisdiction, 263 U.S. at 416, then it follows that those courts do not exercise "appellate[] jurisdiction," period, *Exxon*, 544 U.S. at 283. And yet *Rooker-Feldman*'s remit "is confined" to "state-court" cases, *id.* at 284, and "has not been extended to create a parallel theory that a federal trial court lacks subject-matter jurisdiction to consider the effects of a prior federal-court judgment."[14] These gaps between *Rooker-Feldman* and its rationale reveal that the doctrine lacks a firm footing.

One way to understand *Rooker* is as an accident of doctrinal history. During the period when *Rooker* was decided, the Court recognized an extratextual "fraud"

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[13] Barry Friedman & James E. Gaylord, Rooker-Feldman*, From the Ground Up*, 74 Notre Dame L. Rev. 1129, 1132 (1999).

[14] 18B *Wright & Miller's Federal Practice & Procedure* § 4469.1 (3d ed. Sep. 2025 update).

exception to the Anti-Injunction Act.[15] The federal plaintiff in *Rooker* alleged judicial misconduct in the underlying state-court case, which may have been "sufficient to trigger the fraud exception."[16] As a result, the Anti-Injunction Act—which otherwise would have prevented federal court interference in *Rooker*—may have been unavailable. This situation may have prompted the Court to look for another way to dismiss the case.[17] But the fraud exception to the Anti-Injunction Act is no more. The Court described its "foundation[s]" as "doubtful" long ago. *Toucey v. N.Y. Life Ins. Co.*, 314 U.S. 118, 136 (1941). And when Congress revised the Act in 1948, it omitted the fraud exception.[18] Yet *Rooker* has lived on, even though the exception to the Anti-Injunction Act that may have led to the *Rooker-Feldman* doctrine is dead and buried.

II. *Rooker-Feldman* is duplicative and unnecessary.

As a general rule, and subject to limited exceptions, state and federal courts exercise concurrent jurisdiction: The notion that both state and federal courts are "free to proceed in [their] own way and in [their] own time, without reference to the proceedings in the other court," is fundamental to our

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[15] *See* James E. Pfander & Nassim Nazemi, *The Anti-Injunction Act and the Problem of Federal-State Jurisdiction Overlap*, 92 Tex. L. Rev. 1, 34–35 (2013) (discussing *Marshall v. Holmes*, 141 U.S. 589 (1891)).

[16] *Id.* at 37.

[17] *See id.* at 36–37.

[18] *See* Pfander & Nazemi, *supra,* at 57.

federal system. *Kline v. Burke Constr. Co.*, 260 U.S. 226, 230 (1922).

A system-wide view of the law of federal courts and procedure reveals that there is no need for the *Rooker-Feldman* doctrine to exist in addition to other, better-established rules that govern the relationship between state and federal courts. In criminal cases, *Younger* abstention and habeas corpus doctrine are fully adequate. And in civil matters, *Younger* and other abstention doctrines, as well as the law of preclusion, the Anti-Injunction Act, and full-faith-and-credit rules cover the bases. Similar doctrines governing federal-court review of state administrative proceedings leave no legitimate work for *Rooker-Feldman* to do.

A. *Rooker-Feldman* is unnecessary in criminal cases.

In criminal cases, a combination of *Younger* abstention and statutory provisions define the relationship between federal and state courts, from the state's initiation of a prosecution to any follow-on relitigation.

Under the doctrine of *Younger v. Harris*, 401 U.S. 37 (1971), federal courts may not interfere with ongoing state criminal prosecutions except in the most extraordinary circumstances. This Court has long recognized that "the normal thing to do when federal courts are asked to enjoin pending proceedings in state courts is not to issue such injunctions." *Id.* at 45. Thus, absent bad faith, harassment, or other exceptional circumstances, federal courts must allow state prosecutions to proceed even when federal

constitutional claims are raised. *See id.* at 44. As a consequence, *Younger* abstention alone—without resort to *Rooker-Feldman*—provides a broad bar to federal interference.

As for concluded proceedings, the federal habeas corpus statute, 28 U.S.C. § 2254, provides a carefully calibrated mechanism for federal-court review of state criminal convictions. Congress has authorized federal courts to entertain habeas petitions only on the ground that the petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." *Id.* § 2254(a). That review is circumscribed. Litigants must exhaust available state remedies unless those remedies are absent or ineffective. *See id.* § 2254(b). Moreover, § 2254(d) imposes a deferential standard: federal courts may not grant relief on claims adjudicated on the merits in state court unless the decision was contrary to, or an unreasonable application of, clearly established federal law, or rested on an unreasonable determination of facts. In this domain, Congress has spoken comprehensively.

Against this backdrop, the *Rooker-Feldman* doctrine "does no work in criminal defense cases."[19] *Younger* establishes the boundaries of federal-court litigation over deprivations of federal rights in ongoing state criminal proceedings. And the federal habeas statute channels collateral federal review of state-court criminal adjudication into a tightly regulated process. No meaningful gap remains.

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[19] Friedman & Gaylord, *supra*, at 1152.

B. *Rooker-Feldman* is also unnecessary in civil cases.

Rooker-Feldman has resulted in significant mischief in the civil context, where it is doctrinally superfluous. It has been invoked when a litigant has received an adverse judgment on an issue in a state-court civil proceeding and then initiates a federal-court lawsuit raising the same or substantially similar issues. In some cases, the state-court litigation will have reached final judgment in the state's court of last resort. In other cases, as here, an appeal will be pending in a state court.

As in the criminal context, several existing doctrines and statutes govern the relationship between state and federal courts and eliminate the need for a separate jurisdictional limitation. When federal courts apply these doctrines, they start with the principle that overlapping state and federal proceedings are usually acceptable. *See New Orleans Pub. Serv., Inc. v. Council of City of New Orleans* (*NOPSI*), 491 U.S. 350, 373 (1989) ("[T]here is no doctrine that … the pendency of state judicial proceedings excludes the federal courts."). From this starting point, federal courts determine whether an action falls into one of the narrow exceptions to their "virtually unflagging obligation," *Colo. River*, 424 U.S. at 817–18, to exercise jurisdiction conferred by Congress. In some cases, federal courts may assert jurisdiction but are bound by the result of another court of competent jurisdiction as a matter of claim or issue preclusion. The interlocking web of statutory and jurisprudential rules maintains the relationship between state and federal courts in civil cases without

any need to invoke *Rooker-Feldman*'s judicially implied limitation on subject matter jurisdiction.

A key initial question for the federal court is whether the underlying state-court proceeding is final. When state-court civil proceedings remain pending, either *Younger*, another abstention doctrine, or the Anti-Injunction Act usually will prevent federal-court interference. Once the state court proceeding is final, claim and issue preclusion prevent federal courts from entertaining relitigation of certain matters already decided in state tribunals.

When a pending matter involves civil regulatory enforcement in a state tribunal, abstention rules often apply. Although "[o]riginally limited in application to pending state criminal proceedings, the *Younger* doctrine has been extended to encompass quasi-criminal proceedings … [and] civil enforcement actions to which the state is a party," along with other settings.[20] The usual context is a state-court civil enforcement proceeding that is "'akin to a criminal prosecution' in 'important respects'"—including initiation "by 'the State in its sovereign capacity.'" *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 79–80 (2013) (first quoting *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 604 (1975); then quoting *Trainor v. Hernandez*, 431 U.S. 434, 444 (1977)). Accordingly, *Younger* abstention plays a role in preventing federal-court interference with state civil regulatory enforcement.

Other abstention doctrines shape the relationship between federal and state courts in ongoing civil

[20] Richard H. Fallon, Jr., *The Ideologies of Federal Courts Law*, 74 Va. L. Rev. 1141, 1171 (1988) (footnote omitted).

matters. Under the *Pullman* abstention doctrine, a federal court will stay its hand, and defer to the state court, "when novel or unsettled questions of state law arise in a federal constitutional case."[21] In addition, *Burford* abstention may be appropriate in cases presenting "difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the case then at bar," as well as in cases in which "adjudication in a federal forum would be disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern." *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 726–27 (1996) (cleaned up); *see also Burford v. Sun Oil Co.*, 319 U.S. 315, 334 (1943). And in limited situations "involving the contemporaneous exercise of concurrent jurisdictions … by state and federal courts," a view toward "wise judicial administration, giving regard to conservation of judicial resources and comprehensive disposition of litigation" may counsel in favor of abstention. *Colo. River*, 424 U.S. at 817 (cleaned up). Finally, in contexts such as family law, in which states ordinarily have primacy, principles like "domestic relations abstention" preclude federal-court review of state-court judgments.[22]

The Anti-Injunction Act provides an additional check on federal judicial interference in ongoing state civil proceedings. The Act provides that a federal

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[21] Robert A. Schapiro, *Interjurisdictional Enforcement of Rights in a Post-*Erie *World*, 46 Wm. & Mary L. Rev. 1399, 1415 (2005); *see also R.R. Comm'n of Tex. v. Pullman Co.*, 312 U.S. 496, 501 (1941) (establishing this principle).

[22] Meredith Johnson Harbach, *Is the Family a Federal Question?*, 66 Wash. & Lee L. Rev. 131, 152 (2009).

court "may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." 28 U.S.C. § 2283. To be sure, this Court has held that the Anti-Injunction Act does not bar federal suits brought under 42 U.S.C. § 1983. *See Mitchum v. Foster*, 407 U.S. 225, 242–43 (1972).[23] Yet, despite this exception, the Act limits the role of federal courts when they are asked to interfere with state proceedings. *See Toucey*, 314 U.S. at 129–41.

Once a case reaches final judgment in the state court, well-settled preclusion doctrines limit the role of federal courts. Preclusion principles give meaning to the finality of judgments—including the judgments of state courts—when federal courts are called to resolve the same dispute. The doctrine of "[c]laim preclusion prevents parties from relitigating the same claim or cause of action, even if certain issues were not litigated in the prior action." *Brownback v. King*, 592 U.S. 209, 215 n.3 (2021) (cleaned up). This rule works in tandem with the federal Full Faith and Credit Statute, which demands that federal courts respect

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[23] Professor Pfander has argued that the Court could have limited federal-court stays of state-court enforcement proceedings by relying on the Anti-Injunction Act, rather than the principles set forth in *Younger*. *See* Pfander & Nazemi, *supra*, at 59–64. Had it done so, the Court need not have recognized what Professor Pfander has described as *Mitchum*'s extratextual exception to the Anti-Injunction Act for § 1983 suits. *See id.* at 45–51. It could have instead relied on the declaratory judgment statute, 28 U.S.C. § 2201, to authorize federal courts to address matters of federal law that might cast doubt on the viability of a pending state court enforcement proceeding. *See* Pfander & Nazemi, *supra*, at 63–64.

state-court judgments—even if doing so might bar relitigation in a federal forum. *See* 28 U.S.C. § 1738; *Migra v. Warren City Sch. Dist. Bd. of Educ.*, 465 U.S. 75, 84 (1984) (explaining that 28 U.S.C. § 1738 "embodies the view that it is more important to give full faith and credit to state-court judgments than to ensure separate forums for federal and state claims"). In addition, the doctrine of issue preclusion "precludes a party from relitigating an *issue* actually decided in a prior case and necessary to the judgment." *Brownback*, 592 U.S. at 215 n.3 (emphasis added).

Given all these established doctrines, "scholars struggle to find a role for *Rooker-Feldman* among other jurisdictional doctrines with which it seems to overlap."[24] One commentator has observed that *Rooker-Feldman* makes little sense in light of "the panoply of other doctrines that preclude any further parallel litigation once one court reaches a final judgment."[25] And as Professor Jack Beermann has explained, "[t]he *Rooker-Feldman* doctrine … is inconsistent with federal preclusion principles and

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[24] Friedman & Gaylord, *supra*, at 1130; *see also* Pfander & Nazemi, *supra*, at 34 (writing that *Rooker-Feldman* "remains a source of puzzlement; scholars have asked about the doctrine's origins and what it adds, if anything, to doctrines of claim and issue preclusion that foreclose relitigation of matters previously settled in state court proceedings"); Thomas D. Rowe, Jr., Rooker-Feldman*: Worth Only the Powder to Blow It Up?*, 74 Notre Dame L. Rev. 1081, 1083 (1999) (noting the "considerable superfluity" of *Rooker-Feldman* "in light of [its] overlap with other doctrines").

[25] Brian M. Hoffstadt, *The Deconstruction and Reconstruction of Habeas*, 78 S. Cal. L. Rev. 1125, 1141 n.63 (2005).

should be abandoned."[26] Professor Beermann notes that "[i]f the state court judgment, under state preclusion rules, would not bar the subsequent federal action, then federal courts cannot apply the *Rooker-Feldman* doctrine to bar the case without violating [this] Court's rule that federal courts may not give greater preclusive effect to a state court judgment than would the courts of the rendering state."[27] What is left of *Rooker-Feldman* "is a powerful, all-too-tempting tool for district courts" to clear their dockets.[28]

C. There is no need for *Rooker-Feldman* in the context of judicial review of state administrative proceedings.

A similar analysis applies in the context of state administrative proceedings. While those proceedings are pending, *Younger* again carries the load. This Court has extended *Younger* to many state administrative proceedings. *See Ohio Civ. Rights Comm'n v. Dayton Christian Schs.*, 477 U.S. 619, 627 (1986).[29]

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[26] Jack M. Beermann, *Government Official Torts and the Takings Clause: Federalism and State Sovereign Immunity*, 68 B.U. L. Rev. 277, 341 (1988).

[27] *Id.*

[28] Raphael Graybill, Comment, *The Rook That Would Be King:* Rooker-Feldman *Abstention Analysis After* Saudi Basic, 32 Yale J. on Regul. 591, 601 (2015).

[29] As with civil enforcement proceedings, "[w]ithin the Court's ongoing application of *Younger* is a subset of cases dealing specifically with state administrative proceedings." Louis J. Virelli III, *Administrative Abstention*, 67 Ala. L. Rev. 1019, 1034 (2016).

For concluded proceedings, other doctrines fill the gap. Preclusion rules apply when a state agency acts in a judicial capacity and resolves disputed facts after an adequate opportunity to litigate. In *University of Tennessee v. Elliott*, this Court held that federal courts must give such factfinding the same preclusive effect it would receive in the state's own courts, at least under the civil rights statutes. 478 U.S. 788, 799 (1986). That rule enforces repose and respects federalism without resort to jurisdictional dismissals.

Taken together, the cases show that the relationship between federal courts and state administrative systems is already governed by a robust array of doctrines. And given that these doctrines only create exceptions to the broader rule that the federal courthouses' doors are open to those who satisfy the ordinary requirements of federal jurisdiction, *Rooker-Feldman* is unnecessary.

III. *Rooker-Feldman* wastes judicial resources and disrupts orderly litigation.

As explained above, *Rooker-Feldman* is unnecessary in light of other established doctrines that govern the relationship between state and federal courts. Worse, the continued existence of *Rooker-Feldman* causes significant problems.

First, because *Rooker-Feldman* goes to the court's subject matter jurisdiction, it wastes judicial resources by short-circuiting resolution of preclusion disputes. As explained above, *Rooker-Feldman* largely overlaps with better-established doctrines such as preclusion. But because "jurisdiction" must "be established as a threshold matter," *Steel Co. v.*

Citizens for a Better Env't, 523 U.S. 83, 94 (1998), *Rooker-Feldman* must be addressed before preclusion issues. The result is that courts may—indeed often must—dismiss suits on *Rooker-Feldman* grounds that might just as well have been rejected because of preclusion. *Cf., e.g.*, *Mains v. Citibank, N.A.*, 852 F.3d 669, 675 (7th Cir. 2017) ("Even if *Rooker-Feldman* does not bar a claim, … the possibility exists that *res judicata* may apply.").[30] Because dismissal on *Rooker-Feldman* grounds "ordinarily is not a 'judgment on the merits,' … a state court faced with a third action may need to resolve the res judicata question on its own without the opportunity to rely on the federal judgment, which ordinarily would preclude relitigation of the preclusion issue."[31] Ironically then, *Rooker-Feldman*, a doctrine supposedly meant to prevent relitigation of claims, can actually further delay a lawsuit's final disposition.

Second, *Rooker-Feldman* has all the disadvantages that attend other subject-matter jurisdiction doctrines. "Unlike most arguments, challenges to subject-matter jurisdiction may be raised by the

[30] Some courts have held that it is "permissible to bypass *Rooker-Feldman* to reach a preclusion question that disposes of a case." *In re Athens/Alpha Gas Corp.*, 715 F.3d 230, 235 (8th Cir. 2013); *see also* 18B Wright & Miller, *supra*, § 4469.3 n.12 (collecting cases). Apart from the fact that this approach disregards the Court's clear directive in *Steel Co.*, it does not address "[t]he ever-present risk … that the jurisdiction label will stop up thought, invoking inappropriate reflexes rather than independent consideration of distinctive problems." 18B Wright & Miller, *supra*, § 4469.1; *see also Butcher v. Wendt*, 975 F.3d 236, 245 (2d Cir. 2020) (Menashi, J., concurring in part and concurring in the judgment) (criticizing this approach in a case involving the *Rooker-Feldman* doctrine).

[31] 18B Wright & Miller, *supra*, § 4469.3.

defendant at any point in the litigation, and courts must consider them *sua sponte*." *Fort Bend Cnty. v. Davis*, 587 U.S. 541, 548 (2019) (cleaned up). This means that *Rooker-Feldman* is apt to ensnare inexperienced litigants who seek to vindicate federal rights but are unfamiliar with the doctrine's intricacies.[32] And even for litigants who satisfy this Court's description of *Rooker-Feldman* in *Exxon*, district courts continue to dismiss suits on the basis of expansive, pre-*Exxon* circuit precedents.[33] The result is that "district courts' misapplications of *Rooker-Feldman* have caused numerous civil rights and § 1983 challenges to conditions of confinement and probation to be dismissed without ever reaching the merits."[34] Further, for the experienced and inexperienced alike, all varieties of subject-matter jurisdiction have "a unique potential to disrupt the orderly course of litigation." *Wilkins v. United States*, 598 U.S. 152, 157 (2023). Last-minute jurisdiction problems can waste "many months of work on the part of the attorneys and the court." *Id.* at 157–58 (cleaned up). Jurisdictional doctrines also escape the disciplining functions of estoppel and waiver, which "ensure efficiency and fairness by precluding parties

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[32] *See, e.g.*, *Hunter v. McMahon*, 75 F.4th 62 (2d Cir. 2023) (reversing the *Rooker-Feldman*-based dismissal of a pro se litigant's claim involving the termination of her parental rights over her minor son).

[33] Hayden Davis, Note, *Reining in* Rooker-Feldman*: The Harmful Effects of Lower Courts' Overextension of the* Rooker-Feldman *Doctrine and What Can Be Done About It*, 44 Rev. Litig. 107, 121, 127 (2024) (explaining that some courts "shoehorn older standards and tests … into the *Exxon* framework" while others "rely exclusively on their own pre-*Exxon* precedents").

[34] *Id.* at 132.

from raising arguments they had previously disavowed." *Id.* at 158.

Courts and litigants live with the costs of subject-matter jurisdiction because it "springs from the nature and limits of the judicial power of the United States." *Steel Co.*, 523 U.S. at 94–95 (cleaned up). But *Rooker-Feldman* springs only from a flawed statutory interpretation, and non-jurisdictional doctrines leave no significant work for it to do. Despite this, lower courts continue to invoke *Rooker-Feldman*—by one count even more often than before *Exxon*.[35] Therefore, this Court should—as Justice Stevens once thought it already had in *Exxon*—"finally inter[] the so-called '*Rooker-Feldman* doctrine.'" *Lance*, 546 U.S. at 468 (Stevens, J., dissenting).

[35] Graybill, *supra*, at 601 (concluding from an empirical analysis "that [after *Exxon*] *Rooker-Feldman* cases grew in number and did so substantially faster than the overall increase in litigation generally").

CONCLUSION

The Court should reverse the judgment of the court of appeals.

Respectfully submitted,

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January 21, 2026