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 RESPONDENTS

MARK S. SAUDEK
GALLAGHER LLP
218 North Charles Street
Suite 400
Baltimore, MD 21201
(410) 347-1365

LISA S. BLATT
Counsel of Record
AMY MASON SAHARIA
ANDREW T. GUIANG
ERIN M. SIELAFF
ROHIT P. ASIRVATHAM
MADELINE C. PREBIL
WILLIAMS & CONNOLLY LLP
680 Maine Avenue, S.W.
Washington, DC 20024
(202) 434-5000
lblatt@wc.com

QUESTION PRESENTED

Whether the *Rooker-Feldman* doctrine can be triggered by a state-court decision that remains subject to further review in state court.

TABLE OF CONTENTS

Page

STATEMENT 1
A. Factual Background 3
B. Procedural Background 6
SUMMARY OF ARGUMENT 9
ARGUMENT 12
I. The District Court Lacked Jurisdiction over Petitioner's Suit 12
A. Federal District Courts Do Not Have Appellate Jurisdiction to Review State-Court Judgments .. 13
B. Petitioner's Suit Meets Every Element of *Rooker-Feldman* 17
C. Petitioner's Proposed Rule Lacks Merit 19
1. *Exxon* did not limit R*ooker-Feldman* to suits challenging state-court judgments not subject to further review in state court 19
2. Section 1257 does not support petitioner's rule 23
3. *Rooker-Feldman* suits do not invoke original jurisdiction 27
4. Petitioner's policy arguments are wrong 35
D. Petitioner's Rule Would Undermine Federalism and Finality While Encouraging Vexatious Litigation 39
II. The Court Should Reject Petitioner's Hail-Mary Request To Overrule *Rooker-Feldman* 43
CONCLUSION 45

TABLE OF AUTHORITIES

Page

Cases:

Almendarez v. City of Coppell,
2024 WL 992191 (N.D. Tex. Mar. 6, 2024) 37
ASARCO Inc. v. Kadish, 490 U.S. 605 (1989)..... 23
Atl. Coast Line R. Co. v. Bhd. of Locomotive Eng'rs, 398 U.S. 281 (1970).....13-14, 25, 28, 39
Biden v. Texas, 597 U.S. 785 (2022) 35
Chick Kam Choo v. Exxon Corp.,
486 U.S. 140 (1988) 13, 27, 39
Colo. River Water Conservation Dist. v. United States, 424 U.S. 800 (1976)..... 14, 41
D.C. Ct. of Appeals v. Feldman,
460 U.S. 462 (1983) ... 2, 8-13, 15-25, 27-29, 32-38, 40-45
Dodson v. Univ. of Ark. for Med. Scis.,
601 F.3d 750 (8th Cir. 2010) 36
Doe v. Univ. of Md. Med. Sys. Corp.,
2025 WL 3553026 (4th Cir. Dec. 11, 2025).....3-4, 9
Earle v. McVeigh, 91 U.S. 503 (1876).....32-33
Ex parte Bollman,
8 U.S. (4 Cranch) 75 (1807) 14, 30, 34
Ex parte Dorr, 44 U.S. (3 How.) 103 (1845) 30
Ex parte Royall, 117 U.S. 241 (1886)..... 31
Exxon Mobil Corp. v. Saudi Basic Indus. Corp.,
544 U.S. 280 (2005) 2, 8-10, 13, 16-22, 25, 27, 29, 34, 41
Fay v. Noia, 372 U.S. 391 (1963) 34
FBI v. Fikre, 601 U.S. 234 (2024) 14
Federación de Maestros de P.R. v. Junta de Relaciones del Trabajo de P.R.,
410 F.3d 17 (1st Cir. 2005).....24, 37-38
Felker v. Turpin, 518 U.S. 651 (1996)..... 30

Page

Cases—continued:

Gilbank v. Wood Cnty. Dep't of Hum. Servs.,
111 F.4th 754 (7th Cir. 2024) (en banc) 36
Great W. Mining & Min. Co. v. Fox Rothschild LLP, 615 F.3d 159 (3d Cir. 2010) 36
Green v. Jefferson Cnty. Comm'n,
563 F.3d 1243 (11th Cir. 2009) 42
Gregory v. Ashcroft, 501 U.S. 452 (1991) 29-30
Griffith v. Bank of New York,
147 F.2d 899 (2d Cir. 1945) 33
Guttman v. Khalsa, 446 F.3d 1027 (10th Cir. 2006) 42
Hadzi-Tanovic v. Johnson,
62 F.4th 394 (7th Cir. 2023) 36, 43
Hoblock v. Albany Cnty. Bd. of Elections,
422 F.3d 77 (2d Cir. 2005) 36
Hovey v. Elliott, 167 U.S. 409 (1897) 32-33
Hunter v. McMahon, 75 F.4th 62 (2d Cir. 2023) 42
Jennings v. Stephens, 574 U.S. 271 (2015) 34
Johnson v. De Grandy, 512 U.S. 997 (1994) 28
Johnson v. Orr, 551 F.3d 564 (7th Cir. 2008) 18
Kokkonen v. Guardian Life Ins. Co. of Am.,
511 U.S. 375 (1994) 13
Lance v. Dennis, 546 U.S. 459 (2006) 22
Lucky Brand Dungarees, Inc. v. Marcel Fashions Grp., Inc., 590 U.S. 405 (2020) 42
Malhan v. Sec'y U.S. Dep't of State,
938 F.3d 453 (3d Cir. 2019) 24, 37, 42
Marbury v. Madison,
5 U.S. (1 Cranch) 137 (1803) 14, 28
Martin v. Hunter's Lessee,
1 U.S. (1 Wheat.) 304 (1816) 40
Miller v. Dunn, 35 F.4th 1007 (5th Cir. 2022) 42

Page

Cases—continued:

Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp., 460 U.S. 1 (1983) 41
Ortiz v. United States, 585 U.S. 427 (2018) 14, 28
Parker v. Lyons, 757 F.3d 701 (7th Cir. 2014) 42-43
Parsons Steel, Inc. v. First Ala. Bank, 474 U.S. 518 (1986) 33
Preiser v. Rodriguez, 411 U.S. 475 (1973) 34-35
Radio Station WOW, Inc. v. Johnson, 326 U.S. 120 (1945) 26
Reed v. Goertz, 598 U.S. 230 (2023) 13-14, 22, 25, 28
Republic Nat. Gas Co. v. Oklahoma, 334 U.S. 62 (1948) 26
Rooker v. Fid. Tr. Co., 263 U.S. 413 (1923) 2, 8-13, 15-29, 32, 34-38, 40-45
Rooker v. Fid. Tr. Co., 131 N.E. 769 (Ind. 1921) 15
Royal Canin U. S. A., Inc. v. Wullschleger, 604 U.S. 22 (2025) 13
Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574 (1999) 39
Skinner v. Switzer, 562 U.S. 521 (2011) 22-23
Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69 (2013) 41
Stanley v. City of Sanford, 606 U.S. 46 (2025) 44
Steel Co. v. Citizens for a Better Env't, 523 U.S. 83 (1998) 38
Stone v. Powell, 428 U.S. 465 (1976) 40
Stop the Beach Renourishment, Inc. v. Florida Dep't of Env't Prot., 560 U.S. 702 (2010) 22
Suter v. Stuckey, 935 A.2d 731 (Md. 2007) 37
Taylor v. Sturgell, 553 U.S. 880 (2008) 41

Page

Cases—continued:

Toucey v. New York Life Ins. Co.,
314 U.S. 118 (1941) 33
United States v. Addonizio, 442 U.S. 178 (1979) 34
United States v. Bass, 404 U.S. 336 (1971) 29
VanderKodde v. Mary Jane M. Elliott, P.C.,
951 F.3d 397 (6th Cir. 2020) 36
Verizon Md. Inc. v. Pub. Serv. Comm'n of Md.,
535 U.S. 635 (2002) 25, 27
Wainwright v. Sykes, 433 U.S. 72 (1977) 31
Wall v. Kholi, 562 U.S. 545 (2011) 34
Warner Chappell Music, Inc. v. Nealy,
601 U.S. 366 (2024) 43-44
Wilkinson v. Dotson, 544 U.S. 74 (2005) 35
Wright v. West, 505 U.S. 277 (1992) 35

Statutes and Rules:

25 U.S.C.
§ 1914 31
§ 1257 ..... 1, 10-11, 13-14, 21, 23-24, 26, 29, 32
§ 1291 23
§ 1330 14
§ 1331 ..... 1, 11, 13-14, 21, 24, 27-29, 31-32, 34
§ 1332 ..... 14, 29
§ 1333 14
§ 1343 14
§ 1441 30
§ 1446 30
§ 2241 31
§ 2254 31
§ 2283 31
42 U.S.C. § 1983 ..... 28, 31, 42

Page

Statutes and Rules—continued:

Act of Mar. 2, 1793, ch. 22, § 5, 1 Stat. 333 31
Habeas Corpus Act of 1867,
chs. 27-28, 14 Stat. 385 30
Judiciary Act of 1789, ch. 20, 1 Stat. 73 30-32
Md. Code Ann., Health-Gen.
§ 5-602 4
§ 10-624 4
§ 10-632 4
§ 10-708 4-5
§ 19-308.8 5
Md. Rule
2-601 23
2-602 23

Other Authorities:

A Historical Timeline, UMMS (2026),
https://tinyurl.com/2u24w3vz 3
Complaint, *Doe v. Univ. of Md. Med. Sys. Corp.*,
No. 23-cv-3318 (D. Md. Dec. 6. 2023), Dkt. 1 ..... 4, 9
Allison B. Jones, *The Rooker-Feldman Doctrine: What Does It Mean to Be Inextricably Intertwined?*, 56 Duke L.J. 643 (2006) 40
Order, *Visa Inc. v. Stoumbous*,
No. 15-962 (U.S. Nov. 17, 2016) 44
Restatement (First) of Judgments (1942) 34
Restatement (Second) of Judgments (1982) 33, 42
Suzanna Sherry, *Judicial Federalism in the Trenches: The Rooker-Feldman Doctrine in Action*, 74 Notre Dame L. Rev. 1085 (1999) 29, 39-40

Page

Other Authorities—continued:

System Overview, UMMS (2026), https://tinyurl.com/2wtruv3s 3

In the Supreme Court of the United States

NO. 25-197

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 RESPONDENTS

STATEMENT

Federal courts are courts of limited jurisdiction. They enjoy only the jurisdiction afforded to them by the Constitution and Congress. While Congress has given federal district courts original jurisdiction over cases involving federal questions, 28 U.S.C. § 1331, Congress has not empowered district courts to exercise appellate jurisdiction to review and reject state-court judgments. That power rests solely with this Court. *Id.* § 1257.

This Court's decisions in *Rooker*, *Feldman*, and *Exxon* distill this statutory framework into the rule that "state-court losers" cannot seek "review and rejection" of state-court judgments in federal district courts because to do so would be "to exercise appellate jurisdiction over state-court judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284, 292 (2005) (citation omitted); *see Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

That rule resolves this case. As the Fourth Circuit recognized below, petitioner's suit presents "the paradigm situation in which *Rooker-Feldman* precludes a federal district court from proceeding." Pet.App.8a (quoting *Exxon*, 544 U.S. at 293). Petitioner and her five attorneys sued in Maryland state court, resulting in a consent order securing her discharge from respondent University of Maryland Baltimore Washington Medical Center (BWMC). Petitioner, unsatisfied with that order, filed this federal suit asking the district court to "void" the consent order, then filed a state-court appeal of the consent order, and then stayed her state-court appeal. The court below correctly concluded that petitioner's federal suit impermissibly seeks review and rejection of a state-court judgment.

Petitioner does not dispute that her suit would be foreclosed had she exhausted review within the state-court system before filing this suit. Petitioner (at 15) instead asserts that her federal suit is viable because the challenged state-court judgment "remains subject to further review in state court." But the availability of further state-court review makes federal-court intervention *worse*, not better. No precedent or statute supports petitioner's theory that litigants can procure federal district-

court appellate jurisdiction by jumping to federal court before completing state-court appellate review.

Petitioner's rule would flout federalism and comity principles as old as the Nation by authorizing federal district-court interference with ongoing state-court proceedings, even before state appellate courts have had the opportunity to take a look. If this Court must wait for the state appellate process to play out before reviewing state-court judgments, surely district courts cannot cut in line to review them first.

A. Factual Background

1. This case—along with seven others—arises out of petitioner T.M.'s involuntary admission for inpatient psychiatric treatment at BWMC, a hospital operated by respondent University of Maryland Medical System Corporation (UMMS). UMMS has served Marylanders through its predecessors since 1823. *A Historical Timeline*, UMMS (2026), https://tinyurl.com/2u24w3vz. Today, UMMS cares for over one million patients each year across myriad medical specialties. *System Overview*, UMMS (2026), https://tinyurl.com/2wtruv3s.

Petitioner is one such patient. She experiences episodes of psychosis, which her private physician attributes to gluten sensitivity. Pet.App.22a; J.A.11. According to petitioner, ingesting "any amount of gluten" changes her mental status. Pet.App.22a; J.A.28. Other doctors, including respondent Dr. Thomas J. Cummings, have diagnosed her with schizophrenia. *E.g.*, J.A.175.

In July 2022, petitioner "signed an advance directive form that was downloaded from the Maryland Attorney General's Office website." *Doe v. Univ. of Md. Med. Sys. Corp.*, 2025 WL 3553026, at *1 (4th Cir. Dec. 11, 2025). Although the document attempted to designate petitioner's

parents as her health care agents, it "failed to comply with the statutory requirements for its creation," because one of the health care agents (petitioner's mother) also witnessed the document. *Id.* at *6; *see* Md. Code Ann., Health-Gen. § 5-602(c)(2)(ii).

2. On March 23, 2023, police escorted petitioner to BWMC for immediate evaluation after she became psychotic, aggressive, and agitated. Pet.App.22a; J.A.14. The hospital determined that petitioner's purported advance directive was "not valid" under Maryland law and conducted an independent evaluation. Compl. ¶ 32, *Doe v. Univ. of Md. Med. Sys. Corp.*, No. 23-cv-3318 (D. Md. Dec. 6. 2023), Dkt. 1 ("23-3318 Compl."); Md. Code Ann., Health-Gen. § 10-624(b)(3). Hospital staff diagnosed petitioner with schizophrenia and concluded that involuntary admission would best ensure her safety. *See* 23-3318 Compl. ¶¶ 32-33, 52.

Consistent with Maryland law, an Administrative Law Judge (ALJ) held a hearing on April 11, 2023, and determined that petitioner should be involuntarily admitted. Pet.App.22a; Md. Code Ann., Health-Gen. § 10-632(e)(2). Petitioner sought judicial review of the ALJ's decision. *Doe*, 2025 WL 3553026, at *2. Her father also filed suit in Maryland state court, seeking judicial recognition of the purported advance directive. J.A.6-7.

3. Meanwhile, given petitioner's history of noncompliance with medication, petitioner's care team at BWMC recommended administering a long-lasting, injectable form of the antipsychotic medication petitioner was already taking orally. *See* J.A.20, 25-26, 177-79. Petitioner refused the medication, and consistent with Maryland law, the hospital held two Clinical Review Panels. Md. Code Ann., Health-Gen. § 10-708(b)(2), (c)(1), (g); J.A.20, 22,

182. Both panels approved administration of the injectable medication. J.A.20, 22, 25. However, the hospital never administered the medication to petitioner.

Petitioner appealed the second panel's decision to an ALJ, who held a "de novo hearing" and affirmed the panel. Md. Code Ann., Health-Gen. § 10-708(*l*)(6); J.A.26, 30. Petitioner then appealed the ALJ's finding to Maryland state court on May 3, 2023. J.A.7; Md. Code Ann., Health-Gen. § 10-708(m)(1).

4. Notwithstanding three pending lawsuits—her father's advance-directive lawsuit, her involuntary-admission appeal, and her involuntary-medication appeal—petitioner filed three additional lawsuits against respondents in short order: (1) a petition for a writ of habeas corpus filed in Maryland state court on May 5, 2023, which resulted in the consent order at issue here, J.A.7; (2) a petition for judicial release, in which petitioner filed three emergency motions for judicial release in Maryland state court between May 28 and June 6, 2023, J.A.7; and (3) a due-process suit filed in federal district court on June 9, 2023, seeking damages and an injunction requiring petitioner's discharge, *see* J.A.7; Pet.App.23a. This set brought petitioner to six lawsuits out of the eventual eight she would file.

In the state-court habeas case, petitioner, her five attorneys (across three law firms), and respondents negotiated a settlement agreement, which set out petitioner's safe discharge plan. *See* Pet.App.24a. Such discharge plans are required under Maryland law. Md. Code Ann., Health-Gen. § 19-308.8(c), (d). Petitioner's counsel then asked the state court to enter the settlement agreement as a consent order. *See* Pet.App.24a. The consent order provided that petitioner would obtain a new

psychiatrist, take her medication, and dismiss the pending lawsuits. J.A.159-61.

The court, counsel for respondents, and petitioner's five attorneys signed the consent order on June 12, 2023, representing that they "approved [the order] as to form and content." J.A.161-63 (capitalization omitted). BWMC then discharged petitioner. No party has ever attempted to enforce the consent order.

Petitioner's five attorneys dismissed the federal due-process lawsuit with prejudice on June 26, 2023, as required by the parties' agreement. *See* Pet.App.24a. But despite herself demanding entry of the consent order—which secured her discharge—petitioner retained new counsel and appealed the consent order to the Appellate Court of Maryland on June 28, 2023. Pet.App.24a-25a.

B. Procedural Background

1. Meanwhile, on June 22, 2023, petitioner and the same counsel who appealed the consent order initiated this seventh lawsuit. Petitioner and her parents sued respondents UMMS, BWMC, two BWMC employees, and others. Pet.App.24a; J.A.1. The complaint asked the district court to:

- "Declare that the 'Consent Order' violates the Maryland Declaration of Rights and the Due Process clause of the Fourteenth Amendment and is therefore unconstitutional, unenforceable, and void *ab initio*";
- "Declare further that the 'Consent Order' is also void and unenforceable because it was obtained under duress …";

- "Grant preliminary and permanent injunctive relief preventing enforcement of the 'Consent Order"; and
- Grant any other relief.

J.A.46.

The next day, petitioner moved for a temporary restraining order (TRO) "preventing enforcement of the Consent Order." D. Ct. Dkt. 6 at 7. On June 26, 2023, the district court ordered supplemental briefing on whether petitioner's challenge was properly in federal court and the application of abstention principles. D. Ct. Dkt. 10 at 1. Following supplemental briefing, the district court issued a letter order on August 23, 2023, concluding that the collateral-attack doctrine, *Younger* abstention, and *Colorado River* abstention did not bar petitioner's suit. D. Ct. Dkt. 27 at 2-5.

On September 5, 2023, the district court held a hearing on the TRO motion. Addressing the merits, the court observed that petitioner was "highly represented" in the consent-order proceedings, with "five lawyers from three different law firms." J.A.50, 71. Those very same lawyers dismissed the federal due-process case "with prejudice"—behavior difficult to square with "truly believ[ing] your clients were under duress." J.A.64. The court further observed that accepting petitioner's duress claim would incentivize parties to settle, get their side of the bargain, "and then claim duress to try to keep [the other] side from enforcing" the rest of the agreement. *See* J.A.50. The court denied petitioner's TRO motion at the hearing and in an order filed that same day. J.A.108; D. Ct. Dkt. 34.

2. On October 23, 2023, UMMS respondents moved to dismiss the case on the merits. D. Ct. Dkt. 40. About a

week later, on October 31, 2023, petitioner moved the Appellate Court of Maryland to stay her consent-order appeal, citing the pendency of the federal suit. Pet.App.25a. Petitioner's stay motion claimed that the state-court "matter [wa]s based on the same facts and events at issue in [this federal-court case]," and sought to "prevent inconsistent rulings." D. Ct. Dkt. 81-1 at 1. The Appellate Court of Maryland entered a stay on November 13, 2023, which has been extended and remains in effect. *See* Pet.App.36a-37a.[1]

On July 23, 2024, the federal district court dismissed the complaint based on *Rooker-Feldman*, which the court raised *sua sponte*.[2] Pet.App.26a, 35a.

3. The Fourth Circuit affirmed. Pet.App.2a. The court recognized "an uncanny resemblance" between petitioner's case and *Rooker*. Pet.App.7a. Just like the plaintiffs in *Rooker*, petitioner challenged a state-court judgment in federal court, claimed the state-court judgment violated the Constitution, and asked a district court to declare that state-court judgment "'void' and 'unenforceable.'" Pet.App.7a-8a (citation omitted).

Petitioner's case also lacked "the circumstances that led the Supreme Court to hold that the *Rooker-Feldman* doctrine did not apply in *Exxon*." Pet.App.8a. Petitioner filed her federal lawsuit after entry of the state-court consent judgment. Pet.App.8a. And petitioner was seeking to "undo" the state-court consent judgment instead of just

---

[1] Because respondents were already defending the federal-court litigation at that point and wished to avoid the burdens of duplicative litigation, respondents did not oppose petitioner's stay motion.

[2] The court dismissed petitioner's parents' claims for failure to state a claim; the Fourth Circuit affirmed. Pet.App.19a-20a.

"protect[ing]" herself from a state-court loss or seeking to relitigate previously decided issues. Pet.App.8a-9a (quoting *Exxon*, 544 U.S. at 293-94).

The Fourth Circuit also rejected petitioner's argument that *Rooker-Feldman* did not apply because the Maryland Supreme Court had not yet reviewed the judgment. Pet.App.15a. The court reasoned that Congress' decision to withhold jurisdiction from the Supreme Court over intermediary state-court decisions did not somehow imbue district courts with jurisdiction over those decisions. Pet.App.16a-17a.

At bottom, "this case [wa]s too much like *Rooker* to justify a different result." Pet.App.2a. Although "few claims warrant dismissal under the *Rooker-Feldman* doctrine," petitioner's claims "fit the bill." Pet.App.20a. The court thus affirmed dismissal of T.M.'s claims, modifying the dismissal to be without prejudice. Pet.App.2a.

4. While this case was still pending before the district court, in December 2023 petitioner filed yet another federal lawsuit against the UMMS-related respondents—her eighth lawsuit. 23-3318 Compl. Petitioner brought federal disability-discrimination claims and other state-law claims seeking damages. *Id.* ¶¶ 126-56. The district court dismissed the complaint on the merits, and the Fourth Circuit recently affirmed. *Doe*, 2025 WL 3553026, at *1.

SUMMARY OF ARGUMENT

I. Under *Rooker-Feldman*, federal district courts lack jurisdiction to review and reject state-court judgments, whether or not those judgments are subject to further state-court appellate review.

A. *Rooker-Feldman* arises from bedrock jurisdictional principles. First, federal courts enjoy only the jurisdiction afforded to them by Congress. And second,

Congress has not vested lower federal courts with general-purpose appellate jurisdiction to review and reject state-court judgments. Only this Court has appellate jurisdiction over state-court judgments. *Rooker-Feldman* recognizes that suits like petitioner's invoke appellate jurisdiction, which federal district courts simply do not possess.

B. Petitioner does not dispute that her lawsuit meets all four of *Rooker-Feldman*'s elements as articulated in *Exxon*. Petitioner (1) claims to be a "state-court loser[]" who (2) sued in federal court (on June 22, 2023) after entry of a state-court judgment (the consent order entered on June 12, 2023), (3) she "complain[s] of injuries caused by" that judgment, and (4) she asks the district court to declare that judgment void. *See Exxon*, 544 U.S. at 284. Those principles suffice to resolve this case, as the courts below held.

C. Petitioner incorrectly contends that *Rooker-Feldman* contains a stealth fifth element—that *Rooker-Feldman* applies only when the state-court judgment is no longer subject to review in the state courts.

Exxon did not create that counterintuitive and anomalous rule. Petitioner relies on stray language from *Exxon*'s discussion of *Rooker*'s and *Feldman*'s procedural histories. But that is not the place this Court typically announces legal rules. Petitioner's reliance on this Court's post-*Exxon* cases is similarly unavailing. None supports petitioner's proposed rule.

Section 1257 does not help either. Petitioner argues that *Rooker-Feldman* rests on a negative inference from section 1257, meaning that district courts lack jurisdiction only over those state-court judgments that this Court has

jurisdiction to review under 28 U.S.C. § 1257. But petitioner's proposed rule undermines her negative-inference argument. This Court cannot review state trial-court judgments that were never appealed. Yet, under petitioner's proposed rule, because such judgments are not "subject to further review in state court," Pet. Br. I, 4-5, 15, 18-19, 28-30, 43, *Rooker-Feldman* blocks the suit.

Rooker-Feldman stems from more than a negative inference from section 1257. *Rooker-Feldman* holds that federal district-court review and rejection of state-court judgments is an exercise of appellate jurisdiction—jurisdiction Congress has not granted lower federal courts. Federal district courts do not gain appellate jurisdiction whenever this Court lacks it under section 1257. It is wholly implausible that Congress authorized this Court to review state-court judgments only after affording state appellate courts the opportunity to correct any error, but permitted any one of the 94 federal district courts to review them as long as state appeals remained open. As our Nation's unbroken history reflects, only this Court has authority to review and reject state-court judgments, unless Congress specifically authorizes otherwise.

Petitioner also argues that *Rooker-Feldman* suits do not invoke appellate jurisdiction at all and thus fall under Congress' grant of original jurisdiction to district courts in section 1331. That argument is foreclosed by multiple of this Court's cases, it falls outside the question presented, and it is wrong to boot. The same goes for petitioner's attempt to analogize *Rooker-Feldman* suits to collateral attacks.

Nor can petitioner's appeal to policy save her rule. Petitioner claims that *Rooker-Feldman* confuses courts. But her cited cases profess confusion about the review-

and-rejection element, not the question presented. Moreover, petitioner's approach would require extensive litigation over whether state-court proceedings are sufficiently final, a question that already vexes courts on her side of the split.

D. Petitioner's rule would turn federalism and comity principles on their head. District-court appellate review of state-court judgments still subject to appeal in the state-court system would be particularly offensive. Under petitioner's rule, state-court losers who complete their state-court appeals are barred from district-court litigation but state-court losers who jump into federal court are not. Petitioner pays lip service to this concern, but argues that other doctrines, like abstention and preclusion, will stem the tide of state-court losers' suits. But the district court held that many of those doctrines do not apply in this case, leaving *Rooker-Feldman* with an essential role to play in confining federal district-court jurisdiction to its congressionally intended scope.

II. Petitioner's request that this Court overrule *Rooker-Feldman* is neither encompassed in the question presented nor raised in the petition. Petitioner urged this Court to review one specific question about *Rooker-Feldman*'s application to a particular fact pattern. The Court should not entertain petitioner's eleventh-hour attempt to turn this case into a referendum on this Court's century-old precedent.

ARGUMENT

I. The District Court Lacked Jurisdiction over Petitioner's Suit

Federal district courts lack jurisdiction to adjudicate "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*, 544 U.S. at 284. This is such a case, and petitioner does not argue to the contrary. Instead, petitioner urges the Court to add a new element to *Rooker-Feldman*, contending that it should not apply if the state-court judgment "remains subject to further review in state court." Pet. Br. 15. Neither *Exxon*, nor section 1257, nor section 1331 supports that limitation. And petitioner does not persuasively explain away the massive federalism and comity implications of her rule.

A. Federal District Courts Do Not Have Appellate Jurisdiction to Review State-Court Judgments

1. *Rooker-Feldman* "is not so much a 'doctrine' as a basic fact of federal statutory law." *Reed v. Goertz*, 598 U.S. 230, 244-45 (2023) (Thomas, J., dissenting). "Federal courts … are courts of limited jurisdiction." *Royal Canin U. S. A., Inc. v. Wullschleger*, 604 U.S. 22, 26 (2025) (quoting *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994)). "They possess only that power authorized by Constitution and statute." *Kokkonen*, 511 U.S. at 377. "Congress determines, through its grants of jurisdiction, which suits those courts can resolve." *Royal Canin*, 604 U.S. at 26.

Congress' grants of jurisdiction—and their attendant limitations—reflect its "decision to implement[] a dual system of federal and state courts." *Chick Kam Choo v. Exxon Corp.*, 486 U.S. 140, 146 (1988). "[F]rom the beginning we have had in this country two essentially separate legal systems," each of which "proceeds independently of the other with ultimate review in this Court of the federal questions raised in either system." *Atl. Coast Line R. Co. v. Bhd. of Locomotive Eng'rs*, 398 U.S. 281, 286 (1970).

In granting federal courts jurisdiction, both the Framers and Congress carefully distinguished between original and appellate jurisdiction. "'[T]he essential criterion of appellate jurisdiction' … is 'that it revises and corrects the proceedings in a cause already instituted.'" *Ortiz v. United States*, 585 U.S. 427, 436 (2018) (quoting *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 175 (1803)). In other words, suits "for the purpose of revising [another court's] decision" invoke "appellate" jurisdiction. *Ex parte Bollman*, 8 U.S. (4 Cranch) 75, 86 (1807) (Marshall, C.J.); *see also Reed*, 598 U.S. at 243-44 (Thomas, J. dissenting) ("the criterion which distinguishes appellate from original jurisdiction, is that it revises and corrects the decisions of another tribunal" (cleaned up)). Thus, "a case or controversy is appellate in nature when the relief-seeking party's injury is traceable to the allegedly erroneous action of another court and requires a remedy correcting that judicial action (*e.g.*, reversal or vacatur of the challenged judgment)." *Reed*, 598 U.S. at 244 (Thomas, J. dissenting) (emphasis omitted).

Congress granted only this Court appellate jurisdiction to "review[]" and correct certain "[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. District courts, however, "have not been given such powers." *Atl. Coast Line*, 398 U.S. at 286. Congress instead endowed district courts only with "original jurisdiction" over specific types of actions. *See, e.g.*, 28 U.S.C. §§ 1330, 1331, 1332, 1333, 1343. Thus, while district courts have "virtually unflagging obligation … to exercise the jurisdiction given them," *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976), "the converse also holds true," *see FBI v. Fikre*, 601 U.S. 234, 240 (2024). District courts may not exercise jurisdiction they do not possess in the first place.

2. *Rooker-Feldman* proceeds from these basic principles.

In *Rooker*, the plaintiffs sued a trust company, claiming it breached a trust agreement covering a trust in lands. *Rooker v. Fid. Tr. Co.*, 131 N.E. 769, 770 (Ind. 1921). After the trust company prevailed in the state courts, the plaintiffs turned to federal court. *Rooker*, 263 U.S. at 414-15. The *Rooker* plaintiffs brought a bill in equity, which was an original suit asking a federal district court to declare that state-court judgment "null and void" and "rendered and affirmed" in violation of the Constitution. *Id.*

A unanimous Court held that the plaintiffs' suit did not belong in federal district court because it sought the exercise of appellate jurisdiction over a state-court judgment. "Under the legislation of Congress, no court of the United States other than this court could entertain a proceeding to reverse or modify the judgment for errors of that character." *Id.* at 416. Distinguishing between "original" and "appellate" jurisdiction, the Court observed that the plaintiffs' suit would require "an exercise of appellate jurisdiction," but "[t]he jurisdiction possessed by the District Courts is strictly original." *Id.* Thus, the suit was "not within the District Court's jurisdiction as defined by Congress." *Id.* at 415.

This Court added that "[i]f the constitutional questions stated in the bill actually arose in the cause, it was the province and duty of the state courts to decide them." *Id.* And "[i]f the decision was wrong, that did not make the judgment void, but merely left it open to reversal or modification in an appropriate and timely appellate proceeding." *Id.* The Court thus saw the bill in equity for what it was: "an attempt to get rid of the judgment for alleged errors of law committed in the exercise of [the state court's] jurisdiction." *Id.* at 416.

This Court reaffirmed that principle in *Feldman*. That case involved a District of Columbia rule that required individuals to graduate from an approved law school before admission to the bar. 460 U.S. at 455-56. The D.C. Court of Appeals denied waivers to two applicants; they sued in federal district court, claiming that the denials violated federal law and requesting injunctions permitting them to sit for the bar examination or, in one case, to gain immediate bar admission. *Id.* at 468-69, 472-73.

This Court held that the district court *had* jurisdiction to consider "a general challenge to the constitutionality" of the rule, but lacked jurisdiction to review the waiver denials by the state court in the applicants' particular cases. *Id.* at 482-83. Those denials were "final determinations of the District of Columbia Court of Appeals in judicial proceedings," and "[r]eview of such determinations can be obtained only in this Court." *See id.* at 476. The Court thus rejected the notion that state-court orders concerning bar admission "may be reviewed … by … a lower federal court." *See id.* at 483 n.16 (citation omitted).

After *Feldman*, some lower federal courts began to extend *Rooker-Feldman* "far beyond the contours of the *Rooker* and *Feldman* cases." *Exxon*, 544 U.S. at 283. This Court ordered a course correction in *Exxon*.

Exxon involved parallel litigation. Saudi Basic Industries sued ExxonMobil subsidiaries in Delaware state court for a declaratory judgment that certain royalty charges were proper under their agreement. *Id.* at 289. Exxon and its subsidiaries responded with their own federal suit, alleging that the Saudi company had overcharged the subsidiaries. *Id.* While that federal suit was pending, a jury in the state-court proceeding returned a verdict in Exxon's favor. *Id.* The Third Circuit thought

that the state-court judgment "terminated" federal jurisdiction. *Id.* at 290. This Court reversed, explaining that "parallel litigation" was not "the paradigm situation in which *Rooker-Feldman* precludes a federal district court from proceeding." *Id.* at 293 (citation omitted). "ExxonMobil plainly ha[d] not repaired to federal court to undo the Delaware judgment in its favor." *Id.* Thus, the federal suit did not seek exercise of appellate jurisdiction.

Exxon outlined when *Rooker-Feldman* comes into play. After reiterating that "[f]ederal district courts … are empowered to exercise original, not appellate, jurisdiction," the Court observed that the "[p]laintiffs in *Rooker* and *Feldman* … essentially invited federal courts of first instance to review and reverse unfavorable state-court judgments." *Id.* at 283. This Court thus "h[eld]" that *Rooker-Feldman* "is confined to cases of the kind from which the doctrine acquired its name: cases brought by [1] state-court losers [2] complaining of injuries caused by state-court judgments [3] rendered before the district court proceedings commenced and [4] inviting district court review and rejection of those judgments." *Id.* at 284.

B. Petitioner's Suit Meets Every Element of *Rooker-Feldman*

Petitioner does not dispute that her case checks *Exxon*'s four boxes, as the Fourth Circuit held. Pet.App.7a-9a. Like the *Rooker* plaintiffs, petitioner is suing in federal court to obtain review and rejection of a state-court judgment (*i.e.*, the consent order). *Exxon*, 544 U.S. at 284; *see* Pet.App.7a-8a; *Rooker*, 263 U.S. at 414-15.

First, as the Fourth Circuit explained, petitioner "is a 'state-court loser' for purposes of" *Rooker-Feldman*, even though the relevant state-court decision is a consent order. Pet.App.10a (quoting *Exxon*, 544 U.S. at 284). A

"consent order 'is a judgment for purposes of *Rooker-Feldman*.'" Pet.App.10a (quoting *Johnson v. Orr*, 551 F.3d 564, 568 (7th Cir. 2008)). "[W]hen a litigant"—like petitioner here—"claims to have been 'injured by [an] agreed order,' asserts 'that the state court's judgment was in error,' and asks a federal district court to 'overturn' that order, that litigant is a state court loser for *Rooker-Feldman* purposes." Pet.App.10a (quoting *Johnson*, 551 F.3d at 569).

Next, petitioner is "'complaining of injuries caused by' a state court judgment." Pet.App.12a (quoting *Exxon*, 544 U.S. at 284). Like the *Rooker* plaintiffs, petitioner claims the state-court judgment "violated the Federal Constitution," and her requested relief does not focus on defendants' underlying conduct. Pet.App.8a, 12a, 28a; J.A.46; *see Rooker*, 263 U.S. at 414-15.

Further, as in *Rooker* and *Feldman*, petitioner contests a state-court judgment "rendered before the district proceedings commenced." *See Exxon*, 544 U.S. at 284. Here, the state court entered judgment on June 12, 2023, and the federal suit began on June 22, 2023. *Supra* p. 6; *see Rooker*, 263 U.S. at 414-15; *Feldman*, 460 U.S. at 486-87.

Finally, petitioner "invit[es] district court review and rejection of [the state-court] judgment[]." *Exxon*, 544 U.S. at 284; Pet.App.12a. Petitioner asks the federal district court to "[d]eclare that the 'Consent Order' violates the Maryland Declaration of Rights and the Due Process clause of the Fourteenth Amendment and is therefore unconstitutional, unenforceable, and void *ab initio*." J.A.46. That request bears an "uncanny resemblance" to the *Rooker* plaintiffs' prayer for relief, Pet.App.7a, which was a demand that the federal court declare the state-court judgment "null and void," *Rooker*, 263 U.S. at 149. As the

Fourth Circuit held, petitioner's suit is thus "the paradigm situation in which *Rooker-Feldman* precludes a federal district court from proceeding." Pet.App.8a (quoting *Exxon*, 544 U.S. at 293). The district court lacked jurisdiction to adjudicate petitioner's suit.

C. Petitioner's Proposed Rule Lacks Merit

Petitioner urges the Court to add a fifth element to the test articulated in *Exxon*: that the state-court judgment is not "subject to further review in state court." Pet. Br. I, 4-5, 15, 18-19, 28-30, 43. That limitation finds no support in this Court's precedent, statutory authority, or policy considerations.

1. Exxon did not limit Rooker-Feldman to suits challenging state-court judgments not subject to further review in state court

Petitioner (at 27) contends that *Exxon* "strongly suggests that *Rooker-Feldman* should not apply to cases filed in federal court while proceedings in state court remain pending." That is incorrect.

Look no further than *Exxon*'s express holding, which—as just discussed, *supra* p. 17—identified four requirements without mentioning petitioner's proposed rule. Petitioner (at 27) brushes off the four enumerated elements as "separate language in the introduction of the opinion [that] did not contain an express finality limitation." But that "separate language" began with "The *Rooker-Feldman* doctrine, *we hold today*," 544 U.S. at 284 (emphasis added), which is a compelling signal that the four-pronged rule statement that follows is *Exxon*'s holding.

Petitioner (at 26-27) attempts to derive her "finality" rule from the Court's recitation, seven pages later, of

Rooker's and *Feldman*'s procedural histories, where the Court noted that the federal suits in those cases came "after the state proceedings ended." *See id.* at 291. But, as the Fourth Circuit concluded, that summary of the procedural history did not create a "stealth fifth requirement for invoking the *Rooker-Feldman* doctrine" that was absent from the Court's holding. Pet.App.16a. Indeed, in the very next sentence of *Exxon*, the Court simply described both plaintiffs' suits as "call[ing] upon the District Court to overturn an injurious state-court judgment," 544 U.S. at 281—a description that fits petitioner's suit to a tee.

More telling than *Exxon*'s recitation of *Rooker*'s and *Feldman*'s procedural history is what *Exxon* said about those cases' reasoning and holdings. *Exxon* explained that *Rooker* "clarified [that] Congress had empowered only this Court to exercise appellate authority to reverse or modify a state-court judgment." *Id.* at 284 (citation omitted). The Court did not mention the unavailability of further state-court appellate review.

The Court also echoed *Feldman*'s observation that lower federal courts "lack[] authority to review a final judicial determination of the D.C. high court." *Id.* The "crucial question" in *Feldman* was not whether the "D.C. high court" issued the judgment (a fact no one disputed), but whether the "final … determination" was "judicial in nature." *Id.* at 285 (citation omitted). The fact that the D.C. high court, as opposed to the D.C. superior court, issued the decision was of no moment.

Nor does *Exxon*'s explanation of *Rooker-Feldman*'s rationale turn on the fact that those federal suits were brought after the conclusion of state-court proceedings. *See supra* pp. 15-17. Instead, the Court explained that the federal actions in *Rooker* and *Feldman* were "out of

bounds" because they "essentially invited federal courts of first instance to review and reverse unfavorable state-court judgments," which would involve the exercise of "appellate," rather than "original," jurisdiction. *Exxon*, 544 U.S. at 283-84. That is true regardless of which state court rendered the judgment.

Petitioner (at 19, 26) points out that *Exxon* observed that "*Rooker* and *Feldman* exhibit the limited circumstances in which this Court's appellate jurisdiction over state-court judgments … precludes a United States district court from exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate under a congressional grant of authority." *Id.* at 291. But the Court immediately clarified what it meant, explaining that "[t]he *Rooker-Feldman* doctrine merely recognizes that 28 U.S.C. § 1331 is a grant of original jurisdiction, and does not authorize district courts to exercise appellate jurisdiction over state-court judgments, which Congress has reserved to this Court" under section 1257(a). *Id* at 292. (citation omitted). Thus, *Exxon* explained that (1) district courts lack an affirmative grant of jurisdiction to review state-court judgments and (2) section 1257, which "vests authority to review a state court's judgment solely in this Court," buttresses that conclusion. *Id.* at 291-92.

While petitioner (at 27) contends that *Exxon* sought to "return the doctrine to its narrow foundations," *Exxon*'s concerns about *Rooker-Feldman*'s scope had nothing to do with its applicability to potentially appealable state-court judgments. The Court's concern was with *Rooker-Feldman*'s application to preclude federal suits that do not challenge a state-court judgment because the federal suit was filed before the state court rendered any judgment at all—*i.e.*, parallel federal suits. Those suits by

definition do not trigger the exercise of appellate jurisdiction. As the Court explained, "the Third Circuit misperceived the narrow ground occupied by *Rooker-Feldman*" because "ExxonMobil plainly has not repaired to federal court to undo the Delaware judgment in its favor," given that it sued before any such judgment existed. *Id.* at 284, 293-94.

Petitioner (at 36) also references post-*Exxon* cases that she claims have "continued to define [*Rooker-Feldman*'s] scope narrowly." But *none* purports to limit *Rooker-Feldman* to judgments issued by a State's highest or supreme court. Some of the cases she cites instead describe *Rooker-Feldman* as "prohibit[ing] federal courts from adjudicating cases brought by state-court losing parties challenging state-court judgments" and as confined to "cases brought by state-court losers inviting district court review and rejection of the state court's judgments." *Reed v. Goertz*, 598 U.S. 230, 235 (2023) (first quote); *Skinner v. Switzer*, 562 U.S. 521, 532 (2011) (second quote) (cleaned up). Those descriptions accurately capture *Rooker-Feldman*'s narrow scope, into which petitioner's case falls.

Other cases that petitioner (at 36) cites state that under *Rooker-Feldman* "lower federal courts are precluded from exercising appellate jurisdiction over final state-court judgments." *Lance v. Dennis*, 546 U.S. 459, 463 (2006); *see also Stop the Beach Renourishment, Inc. v. Florida Dep't of Env't Prot.*, 560 U.S. 702, 727 (2010) ("final state-court judgments"). Those cases likewise do not suggest that only decisions by a state high court trigger *Rooker-Feldman*. Although petitioner repeatedly equates "final" state-court decisions with decisions that are not "subject to further review in state court" (*e.g.*, at 28), the two are not necessarily the same. State trial

courts, just like federal district courts, render *final* judgments. *E.g.*, Md. R. 2-601; 2-602(b); *see also* 28 U.S.C. § 1291 ("The courts of appeals … shall have jurisdiction of appeals from all final decisions of the district courts."). Notably, for this Court to review a state-court decision under section 1257, the decision must be *both* "final" and "rendered by the highest court of a State in which a decision could be had."

Petitioner's reliance on language describing *Rooker-Feldman* as applying in cases involving decisions by "highest state court[s]" is similarly misplaced. *See* Pet. Br. 31 (citing *ASARCO Inc. v. Kadish*, 490 U.S. 605, 622 (1989) and *Skinner*, 562 U.S. at 531). The language from *Skinner* that petitioner highlights merely describes the facts of *Rooker* and *Feldman*. *See* 562 U.S. at 531. And *ASARCO* involved the question whether the petitioner had standing to obtain Supreme Court review of a decision by Arizona's highest court, and the Court was merely describing how *Rooker-Feldman* would apply to the facts before it. 490 U.S. at 622.

2. *Section 1257 does not support petitioner's rule*

Petitioner (at 28-32) contends that *Rooker-Feldman* rests solely on a negative implication from 28 U.S.C. § 1257, which grants this Court jurisdiction over only "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had." Thus, her argument goes, *Rooker-Feldman* does not apply to cases that fall outside section 1257's ambit—*i.e.*, "cases in which the state-court judgment remains subject to further review in state court." Pet. Br. I, 4-5, 15-16, 18-19, 28-30, 43.

a. Petitioner's logic fails right out of the gate. Section 1257 applies only to judgments that have reached a State's

highest court. Thus, this Court may not review lower state trial- or appellate-court judgments that become unreviewable by the State's highest court because an appeal deadline has expired. But under petitioner's rule, *Rooker-Feldman* still forecloses federal-court appellate review of such judgments because they are not "subject to further review in state court."

Indeed, several circuits petitioner embraces, Pet. 15-17, hold that *Rooker-Feldman* applies so long as the time for state-court appeal has expired. *See, e.g.*, *Federación de Maestros de P.R. v. Junta de Relaciones del Trabajo de P.R.*, 410 F.3d 17, 24 (1st Cir. 2005) (state proceedings end when "the time for appeal … exipire[s]"); *Malhan v. Sec'y U.S. Dep't of State*, 938 F.3d 453, 459-60 (3d Cir. 2019) (same). Petitioner's rule produces strange and anomalous results: federal courts would *have* jurisdiction to review a state trial court's judgment if the state-court loser files the day before the deadline for noticing an appeal expires, but federal courts would *not* have jurisdiction if the party files one day after the deadline passes.

b. Even putting the faulty logic aside, petitioner misperceives *Rooker-Feldman*'s doctrinal underpinning. Petitioner (at 16, 19-20, 28-29) repeatedly depicts *Rooker-Feldman* as solely "rest[ing] on a negative inference from the Court's grant of appellate jurisdiction in 28 U.S.C. § 1257." Based on that premise, petitioner reasons that if section 1257 does not grant this Court authority to review a given state-court judgment (because state-court appellate review has not yet been exhausted), then *Rooker-Feldman* does not bar federal district courts from adjudicating cases challenging that judgment.

But *Rooker-Feldman* goes deeper than section 1257. *Rooker-Feldman* "recognizes that 28 U.S.C. § 1331 is a

grant of original jurisdiction, and does not authorize district courts to exercise appellate jurisdiction over state-court judgments, which Congress has reserved to this Court." *Exxon*, 544 U.S. at 292 (quoting *Verizon Md. Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 644 n.3 (2002)). In other words, *Rooker-Feldman* recognizes that federal district courts cannot "entertain a proceeding to reverse or modify" a state-court judgment because "[t]o do so would be an exercise of appellate jurisdiction," while "[t]he jurisdiction possessed by the District Courts is strictly original." *Rooker*, 263 U.S. at 416. "Thus, if the losing party in a state judicial proceeding claims that the state judgment itself violates his federal rights" that is "a claim that calls for an exercise of appellate jurisdiction" and "[h]e may not seek" such review "under the guise of an original action in federal district court." *Reed*, 598 U.S. at 245 (Thomas, J., dissenting) (cleaned up).

Feldman directly forecloses petitioner's argument. *Feldman* confronted the Fifth Circuit's reasoning that a "limit on [this Court's] certiorari jurisdiction" means "that a federal district court has jurisdiction." 460 U.S. at 482 n.16. (There, the alleged limit at issue was this Court's potential lack of "jurisdiction" to review state-court judgments when the petitioner failed to raise the federal constitutional issue in state court. *Id.*) This Court explained: That "reasoning … is flawed" because "lower federal courts possess no power whatever to sit in direct review of state court decisions." *Id.* (quoting *Atl. Coast Line*, 398 U.S. at 296). "[T]hat [this Court] may not have jurisdiction to review a final state court judgment because of a petitioner's failure to raise his constitutional claims in state court does not mean that a United States District Court should have jurisdiction over the claims." *Id.*

Petitioner offers no logical rationale for construing section 1257's grant of appellate jurisdiction to this Court over *some* cases implicitly to permit district courts to exercise appellate jurisdiction over *other* cases. That a state-court judgment remains susceptible to further state-court review makes federal district-court intervention less appropriate, not more. Petitioner's contrary rule is downright bizarre.

After all, when it comes to federal-court intervention to "upset the decision of a State court," "we are in the realm of potential conflict between the courts of two different governments." *Radio Station WOW, Inc. v. Johnson*, 326 U.S. 120, 124 (1945). It is for that reason that "ever since 1789, Congress has granted this Court the power to intervene in State litigation only after the highest court of a State in which a decision in the suit could be had has rendered a final judgment or decree." *Id.* (citation omitted); *Republic Nat. Gas Co. v. Oklahoma*, 334 U.S. 62, 67 (1948). If that constraint "is an important factor in the smooth working of our federal system" when it comes to Supreme Court review of state-court judgments, *Radio Station WOW*, 326 U.S. at 124, it makes little sense that federal district courts would be able to intervene midstream. It cannot be, as petitioner would have it, that the *Rooker* plaintiffs' only mistake was pursuing orderly appeals through the state-court system before turning to federal court, when instead they should have asked a federal district court to jump in partway through.

Congress authorized only this Court to review state-court judgments, and even then only after waiting for the state appellate process to play out. As this Court has recognized, shortly after the Founding, when section 1257 was enacted, Congress' "general policy" was that state-court proceedings "should normally be allowed to continue

unimpaired by intervention of the lower federal courts, with relief from error, if any, through the state appellate courts and ultimately this Court." *Chick Kam Choo*, 486 U.S. at 146 (citation omitted). Petitioner's rule would upset the Nation's centuries-long practice.

3. Rooker-Feldman suits do not invoke original jurisdiction

Petitioner (at 32-35) argues that federal-court review and rejection of state-court judgments involves original, rather than appellate, jurisdiction. But that argument requires overruling *Rooker-Feldman* and is not presented. In any event, her argument that *Rooker-Feldman* suits fit within section 1331's grant of original jurisdiction is wrong and her analogy to collateral attacks is inapt.

a. *Petitioner's argument is foreclosed and not presented.* Petitioner's argument immediately runs headlong into a wall of precedent, as petitioner herself (at 33-34) recognizes. This Court has repeatedly described requests for federal courts to declare state-court judgments "void"—like petitioner sought here—as requiring the exercise of appellate jurisdiction. *See supra* pp. 24-25; *Rooker*, 263 U.S. at 416; *Exxon*, 544 U.S. at 292; *Verizon Md.*, 535 U.S. at 644 n.3. And as the decision below found, petitioner's federal case inherently seeks review and rejection of the state-court consent order—*i.e.*, the very same relief sought in both *Rooker* and *Feldman*, *see supra* pp. 18-19.

Moreover, this case does not present the question whether suits seeking review and rejection of state-court judgments invoke appellate jurisdiction. This Court has already held that they do, and the petition did not challenge those holdings. The petition instead argued that *Rooker-Feldman* does not apply when further state-court

review remains possible. *See infra* pp. 43-45. Petitioner's new argument amounts to an unpreserved challenge to a century of *Rooker-Feldman* cases.

b. ***Section 1331 does not authorize federal courts to review and reject state-court judgments.*** In all events, petitioner (at 32) is wrong that her suit falls within section 1331 because she purportedly brought a freestanding cause of action under 42 U.S.C. § 1983. Courts exercise *appellate* jurisdiction when they "revise[] and correct[] the proceedings in a cause already instituted." *Ortiz*, 585 U.S. at 436 (quoting *Marbury*, 5 U.S. (1 Cranch) at 175); *supra* p. 14. Petitioner's federal suit asks the district court to intervene and "[d]eclare … void and unenforceable," including on grounds of duress, J.A.46, the state-court consent order issued in "proceedings in a cause already instituted" in Maryland state court, *see Ortiz*, 585 U.S. at 436 (citation omitted). And because Maryland courts permit appeals of consent orders only upon a showing of duress, *see infra* p. 37, her state-court appeal and her district-court suit seek to invalidate the consent order on the same exact basis. Petitioner's suit, and others like it, involve appellate jurisdiction.

Of course petitioner did not style her federal suit as an appeal, but only because no formal mechanism exists for directly appealing a state-court judgment to a federal district court. *See, e.g.*, *Atl. Coast Line*, 398 U.S. at 286. *Rooker*, however, made clear that "an aggrieved litigant cannot be permitted to do indirectly what he no longer can do directly." 263 U.S. at 416. Plaintiffs "may not 'see[k] what in substance would be appellate review of the state judgment' under the guise of an original action in federal district court." *Reed*, 598 U.S. at 245 (Thomas, J., dissenting) (quoting *Johnson v. De Grandy*, 512 U.S. 997, 1005-06 (1994)). Plaintiffs cannot simply "leave[] off the 'appeal'

heading, but nevertheless ask[] the federal court to reverse, nullify, or enjoin the execution of a state court civil judgment." Suzanna Sherry, *Judicial Federalism in the Trenches: The Rooker-Feldman Doctrine in Action*, 74 Notre Dame L. Rev. 1085, 1091 (1999).

Worse, petitioner offers no reason why her reading of section 1331 would not apply to section 1332 as well, given that both statutes use the term "original jurisdiction." *See* Pet. Br. 6. Thus, in cases involving complete diversity, petitioner's rule would allow federal courts to review and reject state-court judgments based only on state law, even before state appellate courts have weighed in. Congress surely did not intend either section 1331 or section 1332 to effect such a massive intrusion on state sovereignty. *See infra* pp. 39-42.

Petitioner's interpretation of section 1331 as permitting federal district courts to review and reject civil state-court judgments runs contrary to Congress' centuries-long historical practice. When Congress wants to empower federal courts to interfere with state-court proceedings, it says so "explicitly" and includes guardrails. *Exxon*, 544 U.S. at 292 n.8.

Take Congress' grant of appellate jurisdiction to this Court in section 1257 to review state-court judgments. That statute contains careful finality limitations and permits this Court to step in only once the state's highest court has had a chance to revise any errors itself. It is implausible that Congress authorized district courts to do the same without any similar constraints.

Consider three other statutes in which Congress provided a "clear statement" authorizing federal courts to interfere with state-court proceedings. *Cf. United States v. Bass*, 404 U.S. 336, 349 (1971); *Gregory v. Ashcroft*, 501

U.S. 452, 460-61, 470 (1991). *First*, since the creation of the federal-court system, Congress empowered lower courts to accept "petition[s] for the removal of the cause for trial" from state court to federal court in particular classes of cases. Judiciary Act of 1789, ch. 20, § 12, 1 Stat. 73, 79. That power has expanded over time, but it has always had a basis in statute. *See* 28 U.S.C. § 1441. And Congress has always imposed limitations on removal, such as time limits on filing notices of removal. *E.g.*, *id.* § 1446(b)(1) (30 days after service of complaint); Judiciary Act of 1789, ch. 20, § 12, 1 Stat. 73, 79 ("at the time of entering [the] appearance in such state court"). Petitioner's approach blows by these careful statutory restrictions on removal by allowing state-court defendants to take their chances in state court but then, if they lose, file an original action in federal court challenging a state-court judgment so long as the state appellate process remains ongoing.

Second, the writ of habeas corpus provides another avenue for federal-court interference, but this too has always been grounded in specific statutory text. *See Ex parte Bollman*, 8 U.S. at 93-94. The Judiciary Act of 1789 granted lower courts the power to issue habeas petitions for federal prisoners. Judiciary Act of 1789, ch. 20, § 14, 1 Stat. 73, 81-82. For decades, federal courts could not provide habeas relief to state prisoners. *E.g.*, *Ex parte Dorr*, 44 U.S. (3 How.) 103, 105 (1845); *see Felker v. Turpin*, 518 U.S. 651, 659-60 (1996) (noting three narrow statutory exceptions).

The Habeas Corpus Act of 1867 finally endowed federal courts with "power to grant writs of habeas corpus in all cases where any person may be restrained." Habeas Corpus Act of 1867, chs. 27-28, 14 Stat. 385. Today, district courts may entertain habeas applications by "a person in custody pursuant to the judgment of a State

court" under specific circumstances. 28 U.S.C. § 2254(a); *see also id.* § 2241(a). Like removal, the habeas power has also been carefully limited. Habeas actions have long involved an exhaustion requirement "as a matter of comity," even before the Antiterrorism and Effective Death Penalty Act codified the requirement. *Wainwright v. Sykes*, 433 U.S. 72, 80 (1977) (citing *Ex parte Royall*, 117 U.S. 241, 253 (1886) and 28 U.S.C. § 2254).

Third, in 1978, Congress gave district courts jurisdiction to "invalidate" certain state-court orders pertaining to "foster care placement or termination of parental rights" for Indian children that violate federal law. 25 U.S.C. § 1914. Petitioner's read of section 1331 would render section 1914 superfluous, since, according to petitioner, section 1331 already gives federal district courts broad authority to "invalidate" state-court orders.

At the same time, Congress has enacted explicit guardrails to prevent further federal interference with state proceedings. For example, the Anti-Injunction Act, which originates in the Judiciary Act of 1793, precludes federal courts from staying state proceedings except under specific circumstances. Act of Mar. 2, 1793, ch. 22, § 5, 1 Stat. 333, 334-35; 28 U.S.C. § 2283.

Petitioner's amicus, for its part, identifies the Civil Rights Acts, the Freedmen's Bureau Act, and 42 U.S.C. § 1983 as evidence of Congress' post-Civil War desire to allow broad federal-court interference with state proceedings, and argues that section 1331 should be interpreted broadly in light of these statutes. Constitutional Accountability Center Br. 2-3, 9-11. But, at most, these statutes show that Congress intended to give plaintiffs a federal forum to bring constitutional claims against state actors. Nothing in these statutes suggests that Congress

wanted to empower federal district courts to review and reject state-court judgments.

Moreover, Congress had the blueprint for authorizing such appellate review via section 1257, which dates back to the Judiciary Act of 1789. Congress could have drafted any of these post-Civil War statutes—or section 1331—similarly, but it did not. Or Congress could have authorized lower federal-court review of state civil judgments when it expanded habeas relief for state prisoners in the post-Civil War era. *Supra* pp. 30-31. But Congress did nothing of the sort.

c. *Petitioner's analogy to collateral attacks is unpersuasive.* Petitioner's argument (at 32-33) that *Rooker-Feldman* suits are akin to collateral attacks and therefore invoke only original jurisdiction also fails.

Petitioner (at 32-33) tellingly relies on the dissent in *Feldman*, which argued that the Court "fail[ed] to distinguish between … appellate review and collateral attack," and that the *Feldman* plaintiffs' suit involved only the latter. 460 U.S. at 490 (Stevens, J., dissenting). But the Court rejected that position, stating that federal district courts "do not have jurisdiction … over challenges to state court decisions in particular cases arising out of judicial proceedings"—including the *Feldman* plaintiffs' suit. *Id.* at 486 (majority op.). Such suits could "only" be brought "in this Court" because "lower federal courts possess no power whatever to sit in direct review of state court decisions." *Id.* at 482 n.16, 486 (citation omitted).

Petitioner cites no case holding that federal courts have original subject-matter jurisdiction under section 1331 to collaterally attack state-court judgments. Her cases are not to the contrary. *Hovey v. Elliott*, 167 U.S. 409, 444 (1897) (cited at Pet. Br. 33), and *Earle v. McVeigh*,

91 U.S. 503, 507 (1876) (same), held that state-court judgments were void because the state courts lacked jurisdiction to enter the orders. But neither case involved a federal suit directly challenging a state-court judgment, like petitioner's suit here. Instead, both cases arose out of state-court enforcement actions, and the prior judgment's voidness was raised as a *defense*. *Hovey*, 167 U.S. at 413; *Earle*, 91 U.S. at 506.

Griffith v. Bank of New York, 147 F.2d 899 (2d Cir. 1945) (cited at Pet. Br. 33 n.4), a pre-*Feldman* case, is similarly inapposite. It held that equitable powers permit federal courts to enjoin state-court judgments obtained by fraud. *Id.* at 901. The case did not discuss subject-matter jurisdiction. *Griffith*'s holding is questionable, as this Court has observed that the Anti-Injunction Act renders "very doubtful" the "foundation" of cases where "federal courts have enjoined litigants from enforcing judgments fraudulently obtained in the state courts." *See Toucey v. New York Life Ins. Co.*, 314 U.S. 118, 136 (1941), *superseded by statute as recognized in Parsons Steel, Inc. v. First Ala. Bank*, 474 U.S. 518, 524 (1986). The Restatement provision petitioner (at 33 n.4) cites likewise does not discuss jurisdiction, only potential grounds for setting aside a judgment. *See* Restatement (Second) of Judgments § 70 (1982).

In any event, petitioner's suit is not a collateral attack at all. Her suit asks the district court to do more than merely—as she puts it (at 32)—"prevent the enforcement of a state-court judgment." She seeks to "void" the state-court judgment—something courts do on appellate review. *Supra* p. 14. Petitioner's suit is thus unlike a collateral attack, wherein the "nullification" of the existing judgment is "incidental" to the new action. *See* Restatement (Second) of Judgments ch. 5, intro. note b. (1982);

Restatement (First) of Judgments § 11 cmt. a (1942). The whole point of petitioner's suit is to nullify the state-court judgment.

Finally, petitioner (at 33) points to language indicating that federal-district-court habeas jurisdiction has "generally been deemed original." Pet. Br. 33 (quoting *Fay v. Noia*, 372 U.S. 391, 407 (1963) and citing *Wall v. Kholi*, 562 U.S. 545, 552 (2011) and *United States v. Addonizio*, 442 U.S. 178, 184 (1979)). *But see Ex parte Bollman*, 8 U.S. at 101 (holding that this Court's jurisdiction over direct habeas petitions is "clearly *appellate*"). But this Court's statements in "the unique context of habeas," *Jennings v. Stephens*, 574 U.S. 271, 290 (2015) (Thomas, J., dissenting), say nothing about the type of jurisdiction implicated by suits seeking to undo state-court civil judgments.

This Court already distinguished the jurisdictional bases for habeas actions from *Rooker-Feldman* suits. In *Exxon*, the Court explained that while Congress "explicitly empower[ed] district courts to oversee certain state-court judgments … in authorizing federal habeas review of state prisoners' petitions," section 1331 is a "grant of original jurisdiction, and does not authorize district courts to exercise appellate jurisdiction over state-court judgments," *Exxon*, 544 U.S. at 292 & n.8 (citation omitted); *see supra* pp. 30-31.

Regardless, habeas suits are materially different from *Rooker-Feldman* suits. Historically, the writ allowed only a "limited" "attack upon detention" when the confining court lacked jurisdiction, *Preiser v. Rodriguez*, 411 U.S. 475, 485 (1973), not a challenge to jurisdictionally valid state-court judgments. The writ could not be used to relitigate and reject a considered state-court judgment

where the prisoner "had been given an adequate opportunity to obtain full and fair consideration of his federal claim in the state courts." *Wright v. West*, 505 U.S. 277, 285 (1992) (opinion of Thomas, J.) (citation omitted). "In other words, the state-court judgment was entitled to absolute respect." *Id.* (cleaned up).

Even today, habeas petitions target the state-executive-branch's detention, not invalidation of the state-court judgment, as *Rooker-Feldman* suits like petitioner's do. The writ's basic purpose is to "effect discharge from any confinement contrary to the Constitution or fundamental law." *Preiser*, 411 U.S. at 485. Indeed, habeas petitions often do not challenge state-court judgments at all. For instance, this Court has described "core" habeas actions as including actions "challenging prison officials' revocation of good-time credits" and seeking "restoration of the credits." *Wilkinson v. Dotson*, 544 U.S. 74, 79 (2005) (citation omitted).[3]

4. *Petitioner's policy arguments are wrong*

Petitioner (at 35-40) argues her approach will simplify *Rooker-Feldman*. Common sense and experience prove otherwise.

Petitioner (at 5, 17, 35, 38, 40, 43) repeatedly claims that *Rooker-Feldman* causes "significant confusion in the lower courts." But the confusion to which she points has

[3] Petitioner (at 34) also cites *Biden v. Texas*, 597 U.S. 785, 798 (2022), for the proposition that the lack of jurisdiction or authority to grant one type of relief does not deprive a court of authority over claims otherwise within its jurisdiction. The problem for petitioner is that no statute grants a federal district court jurisdiction to hear her suit in the first place. *Supra* pp. 17-19.

nothing to do with the question presented. Instead, as petitioner (at 37) recognizes, "much of the [contemporary] disagreement … stems from the need to determine when a plaintiff is seeking federal 'review and rejection' of a state-court judgment."

Sure enough, nearly all the cases petitioner (at 36-38) cites to demonstrate that *Rooker-Feldman* causes "frustration" and "confusion" focus largely on the "review and rejection" element—not finality. *See VanderKodde v. Mary Jane M. Elliott, P.C.*, 951 F.3d 397, 401 (6th Cir. 2020) (considering whether a writ of garnishment constitutes a "judgment"); *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 410 (7th Cir. 2023) (Kirsch, J., dissenting from denial of rehearing en banc) (stating that "we never … ask whether the relief the plaintiff seeks would reverse or undo the state court judgment"); *Hoblock v. Albany Cnty. Bd. of Elections*, 422 F.3d 77, 86-87 (2d Cir. 2005) (analyzing "review and rejection" requirement); *Great W. Mining & Min. Co. v. Fox Rothschild LLP*, 615 F.3d 159, 169-72 (3d Cir. 2010) (same); *Gilbank v. Wood Cnty. Dep't of Hum. Servs.*, 111 F.4th 754, 769 (7th Cir. 2024) (en banc) (op. of Hamilton, J.) (discussing "[t]he [c]ontroversial … '[r]eview and [r]eject'" requirement that "divides this court"); *see also Dodson v. Univ. of Ark. for Med. Scis.*, 601 F.3d 750, 756 (8th Cir. 2010) (Melloy, J., concurring) (arguing that complaint "allege[d] injuries caused by [the defendants]—not injuries caused by a state-court judgment").

Far from simplifying matters, tacking a fact-specific exhaustion requirement onto *Rooker-Feldman* would generate confusion, not alleviate it. Just look at the courts on petitioner's side of the split, which must determine when "exactly state proceedings end for purposes of the *Rooker-Feldman* doctrine," despite a lack of "clari[t]y" on

that question. *Almendarez v. City of Coppell*, 2024 WL 992191, at *5 (N.D. Tex. Mar. 6, 2024). These courts have developed "practical finality" tests that turn on the intricacies of state law to determine whether a judgment is reviewable. *See Malhan*, 938 F.3d at 459 (citation omitted).

Some courts identify "three situations" in which "state proceedings will have 'ended'"—of which only "[t]wo are obvious." *Federación*, 410 F.3d at 24. The first is "when the highest state court in which review is available has affirmed the judgment below and nothing is left to be resolved." *Id.* The second is "if the state action has reached a point where neither party seeks further action." *Id.* The third and "perhaps … not" "obvious" scenario is "if the state court proceedings have finally resolved all the federal questions in the litigation, but state law or purely factual questions (whether great or small) remain to be litigated." *Id.* at 25. Far from modeling "simplicity and clarity in subject-matter jurisdiction," Pet. Br. 39, petitioner's preferred approach risks transforming *Rooker-Feldman*'s four elements into a five-part test with three sub-parts.

Petitioner's rule would, in practice, look nothing like the "straightforward rules" for which petitioner (at 39) purportedly yearns. Take this case. The state-court judgment that petitioner challenges is a consent order. But Maryland courts generally "disallow appeals from consent judgments." *Suter v. Stuckey*, 935 A.2d 731, 740 (Md. 2007). Petitioner nonetheless appealed, presumably intending to argue that the appellate court can review the consent order because it was "the product of duress." *See id.* at 739. Petitioner then turned around and stayed her state-court appeal, all while this federal case was pending.

Petitioner's proposed rule would open a Pandora's box of thorny questions about whether to treat stayed state-court proceedings like hers as "final." Indeed, borrowing other circuits' exhaustion tests, the district court held that "in light of the stay of the pending state appeal," "the state proceedings have functionally 'ended' for purposes of *Rooker-Feldman*" because "neither party seeks further action." Pet.App.30a (quoting *Federación*, 410 F.3d at 24).

The complications multiply further, given that *Rooker-Feldman* is a jurisdictional rule that must "be established as a threshold matter." *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998). Petitioner's approach would permit an opportunistic plaintiff to escape *Rooker-Feldman* by appealing a state-court judgment, filing in federal court, and then dismissing her state-court appeal after the federal court determines it possesses jurisdiction. At best, a vigilant federal court must waste judicial resources revisiting its earlier determination of jurisdiction. At worst, a plaintiff successfully manufactured federal district-court jurisdiction over a final state-court judgment. But this Court counsels that jurisdictional rules should be "inflexible and without exception," *id.* (citation omitted), not malleable and subject to gamesmanship.

The simpler path is the one already established: *Rooker-Feldman* applies to state-court judgments, regardless of whether those judgments are subject to further state-court review.

D. Petitioner's Rule Would Undermine Federalism and Finality While Encouraging Vexatious Litigation

The practical consequences of petitioner's rule would be astounding. Any aggrieved litigant could litigate in state court, receive an adverse state-court judgment, file a federal suit asking a federal court to void that state-court judgment, and appeal that state-court judgment to a state appellate court as well. Then, as petitioner acknowledges, the federal district court would "exercise[e] what 'in substance' would be appellate review." Pet. Br. 34 (citation omitted).

In practice, therefore, petitioner's rule would explode the costs of defending against vexatious litigants, burdening two court systems along the way. Petitioner's approach would be a boon for "litigants who, in the words of judges who must deal with them, 'refuse to accept adverse decisions' and 'repeatedly' subject the courts to 'vexatious and unmeritorious litigation.'" Sherry, *supra*, at 1086 (citation and footnote omitted). The resulting system would be highly inefficient, imposing increased (and unnecessary) costs on federal district courts.

Worse, petitioner's rule produces nothing less than a profound affront to federalism. This country's "dual system" of state and federal courts "could not function if state and federal courts were free to fight each other for control of a particular case." *Atl. Coast Line*, 398 U.S. at 286. "Prevention of frequent federal court intervention is important to make the dual system work effectively." *Chick Kam Choo*, 486 U.S. at 146. "Cooperation and comity, not competition and conflict, are essential to the federal design." *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 586 (1999). For centuries, therefore, Congress has limited federal-court interference with state courts, granting only

specific, constrained authority to oversee state-court judgments. *Supra* pp. 28-32.

Petitioner, however, would have federal courts supervise state-court judgments whenever the state-court loser raises a federal question or the state-court parties have diverse citizenship. "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law." *Stone v. Powell*, 428 U.S. 465, 494 n.35 (1976) (citing *Martin v. Hunter's Lessee*, 1 U.S. (1 Wheat.) 304, 341-44 (1816)); *see Rooker*, 263 U.S. at 415. They should be trusted to do their jobs without constant supervision by federal district courts. And the affront to state courts is particularly galling where, as here, the plaintiff chose the state forum in the first place.

As now-Judge Rushing has explained, it is precisely in these circumstances—when "a federal suit … seek[s] what is essentially review of a state judgment while state appeals are still pending"—that *Rooker-Feldman* safeguards federalism, promotes comity, and "prevent[s] the inappropriate federal appeal of the state court judgment." Allison B. Jones, *The Rooker-Feldman Doctrine: What Does It Mean to Be Inextricably Intertwined?*, 56 Duke L.J. 643, 655-56 (2006); *see* Sherry, *supra*, at 1092-93 (deeming *Rooker-Feldman* "necessary and appropriate" when "appeals are still pending").

Petitioner (at 40-43) does not dispute that federal-court review and rejection of state-court judgments raises serious federalism concerns. Instead, petitioner (at 40) contends that "other doctrines already exist to address concerns about competing federal-court and state-court proceedings." But none of those other doctrines would remedy the harm created by the suits described above: federal suits seeking review of state civil judgments.

Start with the two abstention doctrines petitioner (at 42) highlights—both of which the district court considered and deemed inapplicable in this case. *Younger* abstention applies only to pending state criminal proceedings, certain civil enforcement proceedings, and proceedings "uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 78 (2013) (citation omitted). The district court held that *Younger* has no application to federal suits like petitioner's, which "simply challenge the validity of" an adverse state-court judgment in a civil proceeding. D. Ct. Dkt. 27 at 4.

Petitioner's reference (at 42) to *Colorado River* abstention is also beside the point. That doctrine permits federal courts to defer to "parallel litigation brought in state court" if "exceptional circumstances" justify doing so. *Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1, 13-14 (1983) (citation omitted). But petitioner's state and federal lawsuits are not parallel because they do not "involv[e] the contemporaneous exercise of concurrent jurisdictions." *Colo. River*, 424 U.S. at 817. Instead, as in *Rooker* and *Feldman*, the state court here entered final judgment *before* petitioner commenced proceedings in federal district court. *Supra* p. 18; *Exxon*, 544 U.S. at 284, 291-92. Not to mention that even if petitioner's suits *were* parallel, she does not argue that "exceptional circumstances" would trigger *Colorado River* here. Nor does she contest (or even mention) the district court's conclusion that *Colorado River* does not apply in this case. D. Ct. Dkt. 27 at 4-5.

Preclusion doctrines do not help either. As petitioner recognizes, claim preclusion only "forecloses 'successive litigation of the very same claim.'" Pet. Br. 40 (quoting *Taylor v. Sturgell*, 553 U.S. 880, 892 (2008)). Thus, claim

preclusion does not apply to federal actions like *Rooker*'s, *Feldman*'s, and petitioner's, which complain about injuries created by the state-court judgment, rather than the underlying harms that prompted them to repair to state court in the first place. Issue preclusion does not work either because that doctrine "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 Grp., Inc.*, 590 U.S. 405, 411 (2020). But in suits like petitioner's, issue preclusion is inapplicable because the federal issue in dispute—here, whether the state-court judgment violated due process—*has not* been decided by any court.

Finally, petitioner (at 41) claims that, because the grounds for collaterally attacking state-court judgments are limited, *Rooker-Feldman* is unnecessary. In support, she cites the Restatement (Second) of Judgments §§ 69-72, which identify typical state-law grounds on which judgments may be set aside (such as lack of subject-matter jurisdiction). Petitioner, however, claims that the federal Due Process Clause requires voiding her state-court judgment and provides the basis for jurisdiction in this case. *Supra* p. 6. Likewise, the plaintiffs in most of the cases on her side of the circuit split invoked federal-law arguments beyond those that petitioner identifies in the Restatement.[4]

---

[4] *E.g.*, *Hunter v. McMahon*, 75 F.4th 62, 66 (2d Cir. 2023) (alleging constitutional claims arising from custody proceedings); *Miller v. Dunn*, 35 F.4th 1007, 1009 (5th Cir. 2022) (same); *Malhan*, 938 F.3d at 456-57 (same); *Guttman v. Khalsa*, 446 F.3d 1027, 1030 (10th Cir. 2006) (alleging 42 U.S.C. § 1983 claims relating to revocation of medical license); *Green v. Jefferson Cnty. Comm'n*, 563 F.3d 1243, 1248 (11th Cir. 2009) (alleging 42 U.S.C. § 1983 claims relating to state retirement system); *Parker v. Lyons*, 757 F.3d 701, 705 (7th Cir. 2014)

II. The Court Should Reject Petitioner's Hail-Mary Request To Overrule *Rooker-Feldman*

With over a century of precedent against her, petitioner (at 44-47) and her amici ask this Court simply to overrule it all. But that is not the question this Court granted certiorari to review, nor was the question of *Rooker-Feldman*'s legitimacy raised in the petition. This Court should not address petitioner's untimely, three-page request to overturn a hundred years of precedent.

The question presented is "[w]hether the *Rooker-Feldman* doctrine can be triggered by a state-court decision that remains subject to further review in state court." Pet. I. "That question … incorporates an assumption:" that the *Rooker-Feldman* doctrine can apply if the state-court decision is not subject to further review. *See Warner Chappell Music, Inc. v. Nealy*, 601 U.S. 366, 371 (2024). Petitioner sought review concerning "the *application* of the *Rooker-Feldman* doctrine," not its legitimacy. Pet. 30 (emphasis added). Petitioner's new contention (at 44) that this Court should "eliminat[e] the doctrine altogether" is plainly beyond any normal understanding of the question presented.

The body of the "petition" did not "urg[e]" this Court "to opine on the" validity of *Rooker-Feldman* either. *See Nealy*, 601 U.S. at 371 n.1. Instead, the petition appeared to agree that *Rooker-Feldman* would apply had petitioner's state-court litigation reached final judgment in the Supreme Court of Maryland, explaining that "[p]roperly understood," *Rooker-Feldman* applies to "state-court judgments that have become final." Pet. 4.

(alleging constitutional claims arising from prohibition on holding state office), *overruled by Hadzi-Tanovic*, 62 F.4th at 402.

The petition likewise embraced "[t]his Court's precedents," never mentioning any possibility that petitioner would ask this Court to overrule them. Pet. 23-24.

To the contrary, the petition (at 3-4, 14, 30) asked this Court only to resolve a narrow split "about the application of the *Rooker-Feldman* doctrine." "[H]aving persuaded [the Court] to grant certiorari on [that question] … petitioner[]" cannot now "rely on a different argument in [her] merits briefing." Order, *Visa Inc. v. Stoumbous*, No. 15-962 (Nov. 17, 2016) (citation omitted). Petitioners are not typically permitted to "urg[e] this Court to grant certiorari to resolve one question, and then, and after [this Court] do[es] so, pivot[] to an entirely different question." *Stanley v. City of Sanford*, 606 U.S. 46, 66 (2025) (Thomas, J., concurring in part and concurring in the judgment).

Petitioner also assured the Court that the question on which she sought review "was passed upon" below and was "fully briefed by both parties," Pet. 29, but *Rooker-Feldman*'s legitimacy was not challenged or passed upon below. Indeed, "none of the parties … questioned" *Rooker-Feldman*'s validity "below, but joined issue only over how it should work." *See Nealy*, 601 U.S. at 376 (Gorsuch, J., dissenting). Petitioner's argument in the Fourth Circuit was that "*Rooker-Feldman* does not apply if, as here, a state-court appeal is pending when the federal suit is filed." T.M. CA4 Reply 6 (citation omitted).

Sanctioning petitioner's approach would encourage petitioners to induce this Court to grant review by framing the question presented narrowly and then—perhaps upon realizing the weakness of their position under current doctrine—to focus their fire on this Court's precedents, asking the Court to constantly reevaluate settled law. Petitioner's approach also would deprive

interested parties of the opportunity to weigh in on important issues in amicus briefs. The question presented puts all interested individuals and entities on notice of what the Court is going to decide. Yet here, until petitioner filed her merits brief, no one was aware that this case might present the question of *Rooker-Feldman*'s validity.

CONCLUSION

The court of appeals' judgment should be affirmed.

Respectfully submitted,

MARK S. SAUDEK
GALLAGHER LLP
218 North Charles Street
Suite 400
Baltimore, MD 21201
(410) 347-1365

LISA S. BLATT
Counsel of Record
AMY MASON SAHARIA
ANDREW T. GUIANG
ERIN M. SIELAFF
ROHIT P. ASIRVATHAM
MADELINE C. PREBIL
WILLIAMS & CONNOLLY LLP
680 Maine Avenue, S.W.
Washington, DC 20024
(202) 434-5000
lblatt@wc.com

Counsel for Respondents

FEBRUARY 13, 2026