

In the Supreme Court of the United States

DANIEL GRAND, PETITIONER

v.

CITY OF UNIVERSITY HEIGHTS, OHIO, ET AL.

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

**BRIEF FOR THE UNITED STATES
AS AMICUS CURIAE SUPPORTING PETITIONER**

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QUESTION PRESENTED

Whether Article III or prudential ripeness principles categorically foreclose all as-applied claims involving the use of land for religious purposes unless and until the plaintiff obtains a final decision from local authorities on his proposed land use.

TABLE OF CONTENTS

	Page
Interest of the United States.....	1
Introduction.....	2
Statement	3
A. Factual background	3
B. Procedural history.....	8
Summary of argument	10
Argument:	
A. <i>Williamson County</i> does not impose a categorical finality requirement for as-applied land-use claims	13
1. <i>Williamson County</i> is rooted in Article III's injury requirement	14
2. Plaintiffs need not await a final zoning decision if their injury does not rest on that outcome	18
B. Petitioner's claims for retrospective relief are ripe	21
C. Petitioner's claim for prospective relief is likely ripe	25
D. Prudential ripeness does not bar petitioner's claims	28
Conclusion	32

TABLE OF AUTHORITIES

Cases:

<i>Abbott Labs. v. Gardner</i> , 387 U.S. 136 (1967)	28
<i>Acheson Hotels, LLC v. Laufer</i> , 601 U.S. 1 (2023).....	28
<i>Agins v. City of Tiburon</i> , 447 U.S. 255 (1980)	19, 20
<i>Allen v. Wright</i> , 468 U.S. 737 (1984).....	25
<i>Bantam Books, Inc. v. Sullivan</i> , 372 U.S. 58 (1963).....	23
<i>Case v. Montana</i> , 607 U.S. 107 (2026)	21
<i>Church of Our Lord & Savior Jesus Christ v. City of Markham</i> , 913 F.3d 670 (7th Cir. 2019)	19
<i>Clapper v. Amnesty Int'l USA</i> , 568 U.S. 398 (2013)	17, 22

IV

Cases—Continued:	Page
<i>Congregation Anshei Roosevelt v. Planning & Zoning Bd.</i> , 338 Fed. Appx. 214 (3d Cir. 2009)	17
<i>Congregation Rabbinical Coll. of Tartikov, Inc. v. Village of Pomona</i> , 945 F.3d 83 (2d Cir. 2019), cert. denied, 592 U.S. 1118 (2020)	19
<i>Cutter v. Wilkinson</i> , 544 U.S. 709 (2005)	27
<i>Czyzewski v. Jevic Holding Corp.</i> , 580 U.S. 451 (2017)	24
<i>DaimlerChrysler Corp. v. Cuno</i> , 547 U.S. 332 (2006)	14
<i>Diamond Alternative Energy, LLC v. EPA</i> , 606 U.S. 100 (2025)	13, 18
<i>FBI v. Fikre</i> , 601 U.S. 234 (2024)	28
<i>FEC v. Ted Cruz for Senate</i> , 596 U.S. 289 (2022)	24
<i>First Choice Women’s Resource Ctrs. v. Davenport</i> , 608 U.S. 174 (2026)	12, 18, 22
<i>Grace New England v. Town of Weare</i> , No. 24-cv-41, 2025 WL 3187102 (D.N.H. Nov. 10, 2025)	20
<i>Gratz v. Bollinger</i> , 539 U.S. 244 (2003)	18
<i>Guatay Christian Fellowship v. County of San Diego</i> , 670 F.3d 957 (9th Cir. 2011), cert. denied, 568 U.S. 940 (2012)	20
<i>Hain Celestial Grp. v. Palmquist</i> , 607 U.S. 421 (2026)	14
<i>Heckler v. Mathews</i> , 465 U.S. 728 (1984)	25
<i>Horne v. Department of Agric.</i> , 569 U.S. 513 (2013)	16
<i>Knick v. Township of Scott</i> , 588 U.S. 180 (2019)	15
<i>Laird v. Tatum</i> , 408 U.S. 1 (1972)	22
<i>Lucas v. South Carolina Coastal Council</i> , 505 U.S. 1003 (1992)	15, 16
<i>Lujan v. Defenders of Wildlife</i> , 504 U.S. 555 (1992)	23
<i>MacDonald, Sommer & Frates v. County of Yolo</i> , 477 U.S. 340 (1986)	16

Cases—Continued:	Page
<i>Murphy v. New Milford Zoning Comm’n</i> , 402 F.3d 342 (2d Cir. 2005)	17
<i>Opulent Life Church v. City of Holly Springs</i> , 697 F.3d 279 (5th Cir. 2012)	19
<i>Pakdel v. City & County of San Francisco</i> , 594 U.S. 474 (2021)	16, 29
<i>Palazzolo v. Rhode Island</i> , 533 U.S. 606 (2001)	18
<i>Public Citizen v. United States Dep’t of Justice</i> , 491 U.S. 440 (1989)	18
<i>Roman Catholic Bishop of Springfield v. City of Springfield</i> , 724 F.3d 78 (1st Cir. 2013)	17
<i>Roman Catholic Diocese of Brooklyn v. Cuomo</i> , 592 U.S. 14 (2020)	26, 30
<i>Sheetz v. County of El Dorado</i> , 601 U.S. 267 (2024)	16
<i>Steel Co. v. Citizens for a Better Env’t</i> , 523 U.S. 83 (1998)	24
<i>Suitum v. Tahoe Reg’l Planning Agency</i> , 520 U.S. 725 (1997)	15, 19
<i>Susan B. Anthony List v. Driehaus</i> , 573 U.S. 149 (2014)	14, 28, 31
<i>Temple B’Nai Zion, Inc. v. City of Sunny Isles Beach</i> , 727 F.3d 1349 (11th Cir. 2013)	20
<i>TransUnion LLC v. Ramirez</i> , 594 U.S. 413 (2021)	14, 15
<i>Trump v. California</i> , No. 26A124 (Aug. 24, 2026)	14, 26
<i>Uzuegbunam v. Preczewski</i> , 592 U.S. 279 (2021)	25
<i>Whole Woman’s Health v. Jackson</i> , 595 U.S. 30 (2021)	22
<i>Williamson County Reg’l Planning Comm’n v. Hamilton Bank of Johnson City</i> , 473 U.S. 172 (1985)	2, 9-11, 13, 15, 20, 29

VI

Constitution and statutes:	Page
U.S. Const.:	
Art. III.....	2-3, 10-27, 29, 30
§ 2, Cl. 1	14
Amend. I.....	1, 8, 9, 12, 22
Amend. V.....	15
Amend. XIV	1, 8, 9, 24
Administrative Procedure Act, 5 U.S.C. 704	19
City of University Heights, Ohio,	
Code of Ordinances § 1420.99 (2025)	22
Religious Lane Use and Institutionalized Persons	
Act of 2000, 42 U.S.C. 2000cc <i>et seq.</i>	1, 8, 9, 21, 24, 30
42 U.S.C. 2000cc(a)(1)	21
42 U.S.C. 2000cc-2(f)	1
42 U.S.C. 1983	30
Miscellaneous:	
City of University Heights, <i>Planning Commission</i> ,	
YouTube (Mar. 4, 2021),	
https://www.youtube.com/live/D5kP12aBUUY	7
Alexander Harkavy, <i>English-Yiddish Dictionary</i>	
(22d ed. 1891).....	4
Stuart Meck, <i>Zoning and Anti-Semitism in the</i>	
<i>1920s: The Case of Cleveland Jewish Orphan Home</i>	
<i>v. Village of University Heights and Its Aftermath</i> ,	
4 J. Planning Hist. 91 (2005)	3
United States Census Bureau, <i>QuickFacts</i> :	
<i>University Heights City Ohio</i> (July 1, 2025),	
https://www.census.gov/quickfacts/fact/table/universityheightscityohio/PST045225	3
City of University Heights, Resolution No. 2025-31,	
(June 16, 2025), https://perma.cc/Z7TL-8KRQ	4

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INTEREST OF THE UNITED STATES

This case involves when claims alleging violations of the First Amendment, the Fourteenth Amendment, and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. 2000cc *et seq.*, are ripe. The United States enforces RLUIPA and has a significant interest in the proper application of that statute. See 42 U.S.C. 2000cc-2(f). The United States also has a significant interest in protecting its citizens' constitutional rights from state interference. And the United States has a significant interest in the development of justiciability principles, which routinely affect suits involving the federal government. The United States filed an amicus brief in the court of appeals arguing that the district court erred in holding that petitioner's claims are not ripe.

INTRODUCTION

Article III standing and ripeness doctrines both require a concrete, particularized, and actual or imminent injury to bring suit in federal court. The court of appeals failed to apply those principles in this case. Instead, it read *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), to impose a categorical rule that as-applied claims “[i]n the land-use context” are not ripe until the plaintiff obtains a final decision from local zoning officials. Pet. App. 7a.

That misunderstands *Williamson County*, which did not establish a novel ripeness doctrine for all land-use disputes. Rather, the Court applied the ordinary Article III rule that a plaintiff may not sue until he has suffered “an actual, concrete injury.” *Williamson County*, 473 U.S. at 193. That principle just means that, if (as in *Williamson County*) the plaintiff’s alleged injury is that the government has denied him his desired use of his property, that injury generally is not actual or concrete until the plaintiff has sought and been denied permission for that use. Zoning laws are flexible and often allow exceptions, so a plaintiff typically will not know what use will be permitted (and thus whether he has a concrete, non-speculative injury) until he obtains a final decision. But when a plaintiff alleges an injury other than the ultimate rejection of his proposed land use, neither *Williamson County* nor Article III compels him to seek a final decision that he is not challenging.

Under ordinary Article III principles, this case falls comfortably on the justiciable side of the line. Petitioner wanted to fulfill his religious obligations by praying in his home—specifically, by hosting ten Orthodox Jewish men for prayer on the Sabbath and High Holi-

days. Respondents—the City of University Heights, its Mayor, and other officials—took a series of actions to stop that religious exercise and deter further attempts.

In particular, the City issued a cease-and-desist order demanding a halt to petitioner’s gathering—a demand the Mayor underscored with public and private threats of legal reprisals. Those demands succeeded, leading petitioner to cancel his prayer group and imposing an objectively reasonable chill on religious exercise that is cognizable under Article III. Further, City officials directed petitioner to apply for a permit costing \$400; and they deployed an adversarial hearing procedure that required petitioner to retain counsel, even though comparable gatherings were allegedly not subject to those requirements. Those actions too injured petitioner. He suffered the pocketbook harms of paying a fee and hiring a lawyer and the stigmatic injury of discriminatory, differential treatment. Those injuries are all cognizable under Article III, and petitioner’s claims for retrospective relief from those injuries are ripe.

Petitioner likely has a ripe claim for prospective relief as well. Petitioner does not claim that he was wrongly denied a permit. He claims that he should not have had to apply for one in the first place, as the City now concedes. So long as respondents’ actions continue to inflict an objectively reasonable chill on petitioner’s religious exercise, he can seek prospective relief today.

STATEMENT

A. Factual Background

1. Petitioner Daniel Grand is a devout Orthodox Jew who lives in University Heights, Ohio—a Cleveland suburb of around 13,000. Pet. App. 2a; United States Census Bureau, *QuickFacts: University Heights City Ohio*

(July 1, 2025), <https://www.census.gov/quickfacts/fact/table/universityheightscityohio/PST045225>.

University Heights has a complicated history with its Jewish community. In 1925, the City sought to bar a Jewish orphanage on the ground that it would not “serve[] the public welfare” to have such “a heavily preponderating race” of children in local schools. Stuart Meck, *Zoning and Anti-Semitism in the 1920s: The Case of Cleveland Jewish Orphan Home v. Village of University Heights and Its Aftermath*, 4 J. Planning Hist. 91, 101 (2005) (quoting zoning-commission report). More recently, the city council has recognized that the area’s “Jewish community has been maligned, and individual members of the Jewish community have been singled out,” including with “threats and violence” prompted by “a rise in antisemitism.” City of University Heights, Resolution No. 2025-31 (June 16, 2025), <https://perma.cc/Z7TL-8KRQ>.

2. In 2019, petitioner purchased his current home, which is around a mile from University Heights’ Orthodox synagogues. J.A. 2-3. Over time, that distance proved burdensome. As an Orthodox Jew, petitioner’s faith obligates him to pray three times a day with a group of ten men, called a “minyan.” Pet. App. 2a. Because petitioner also may not use a car on the Jewish Sabbath (Shabbat or Shabbos), he needed to walk six miles roundtrip each Sabbath to pray. *Ibid.*; J.A. 8-9.

To lessen that burden, on Tuesday, January 19, 2021, petitioner emailed around 12 neighbors inviting them to pray at his home that Sabbath (Friday evening and Saturday). Pet. App. 23a. The email referred to the gathering as a “shul,” J.A. 344—a Yiddish word translated as either “synagogue” or “school,” Alexander Harkavy, *English-Yiddish Dictionary* 324 (22d ed. 1891) (“שול”).

The email invited recipients to “spread the word to whomever you feel might be interested in coming.” J.A. 344.

On Thursday, January 21, a neighbor forwarded the email to University Heights’ Mayor, respondent Michael Brennan. J.A. 193-196. Mayor Brennan did not investigate how widely the invitation had circulated. D. Ct. Doc. 83-1, at 84-85 (Jan. 27, 2024) (Brennan Depo.). And he would later testify that he understood a “shul” to be anything from “a small gathering for a small group” to something “much larger.” *Id.* at 55. Nevertheless, the Mayor took swift action to halt petitioner’s gathering. Less than five hours after receiving the email, the Mayor left petitioner a voicemail asking to discuss an “urgent matter.” J.A. 9.

Fourteen minutes later, before petitioner could return the Mayor’s call, he received a cease-and-desist order from University Heights’ Law Director, respondent Luke McConville. J.A. 9. The order informed petitioner that using his home “as a religious place of assembly and/or in operation as a shul or synagogue is not permitted under the City’s ordinances” and that he should “immediately cease and desist any and all such operations.” J.A. 199. McConville referred petitioner to the city ordinances governing “Houses of Assembly” and invited him to apply for a special-use permit. J.A. 200.

Petitioner called Mayor Brennan to explain that he had “just invited people over to my house to pray” and was “not trying to operate a synagogue.” J.A. 11. The Mayor responded that petitioner’s planned gathering required a permit and that the City would “take all legal means available” to stop it. *Ibid.* Petitioner understood that statement to threaten criminal prosecution. *Ibid.* In response to a question from petitioner, the Mayor al-

legedly affirmed that, in his view, even “ten Jews in a room” would be “an illegal synagogue.” *Ibid.*

Petitioner promptly cancelled his prayer group for that weekend. He told invitees that the City had “directed [him] to halt any gatherings that could be seen as a ‘Place of Religious Assembly, or the operation of a Shul, or Synagogue’” and that he was cancelling the prayer group “[a]s a result.” J.A. 190-191. Petitioner copied the Mayor on the email, so that he would see that petitioner had complied with his demand. See *ibid.*

As instructed, petitioner instead applied for a special-use permit and paid a \$400 application fee. J.A. 13-14. In a supporting statement, he explained that he wanted to host “an informal prayer group on the Jewish Sabbath and High Holidays” that would last “a few hours or less.” J.A. 288. He noted that the group would not cause traffic or parking issues because Orthodox Jews “can’t drive cars” on those days. *Ibid.*

In March 2021, the City Planning Commission held a public Zoom meeting on petitioner’s application. See J.A. 224-272. Mayor Brennan and McConville opted for a “quasi-judicial” format that, one Commission member noted, was “different than one we’ve ever used before” and produced “a very hostile, confrontational approach.” J.A. 261. Given that format, city officials told petitioner to hire a lawyer, which he did. J.A. 183.

Twenty neighbors spoke in opposition to the application. See D. Ct. Doc. 82-1, at 154-170 (Jan. 27, 2024). One told petitioner that he “should have picked somewhere else” to live if he did not want to walk to a synagogue. J.A. 253. Another emphasized the importance of “solid families with family values.” J.A. 252. A third speculated that petitioner would be collecting donations and said, “[t]here’s got to be a moneymaker here.”

D. Ct. Doc. 82-1, at 160. A fourth worried that petitioner would “change[] the city’s theme overall.” *Id.* at 168. A fifth urged City officials to “look into [petitioner’s] background.” *Id.* at 164. A sixth asked them to “remember the history of this community.” *Id.* at 165. A seventh did not speak but wrote in: “I am not Jewish and I do not want our neighborhood labeled as Jewish. This is not prejudice, it is simply common sense.” *Id.* at 185.

After over three hours of testimony, the Commission voted to table petitioner’s application. J.A. 270, 337. The meeting ended with attendees who had spoken in opposition shouting “[e]mbarrassing,” “gross,” and “[d]isgust[ing].” *Ibid.*; see City of University Heights, *Planning Commission*, YouTube, at 3:11:28-3:11:55 (Mar. 4, 2021), <https://www.youtube.com/live/D5kP12aBUUY>.

Petitioner then withdrew his permit application, stating that he did “not wish to operate a house of worship” as “defined under the zoning ordinance.” Pet. App. 5a (citation omitted). At the next planning-commission meeting, Mayor Brennan told the audience: “Let there be no confusion, congregating at [petitioner’s address] * * * without a special-use permit is a violation of city law.” J.A. 338. The Mayor admonished that “the cease-and-desist order of the City * * * remains in effect” and that petitioner may not “conduct activities consistent with those in a house of assembly.” *Ibid.* He invited attendees to “report” such activities to the City, which would “seek all appropriate remedies in court.” J.A. 339. In subsequent months, a neighbor erected four cameras pointed into petitioner’s home, and a police supervisor directed officers to conduct “frequent drive-bys.” J.A. 303, 347.

B. Procedural History

1. In September 2022, petitioner sued the City, Mayor Brennan, and others in the United States District Court for the Northern District of Ohio. Pet. App. 35a-36a. The operative second amended complaint brings 20 claims, including ones under the First Amendment, the Equal Protection Clause, the Due Process Clause, and RLUIPA. *Id.* at 36a. The operative complaint challenges several discrete actions, including:

- Mayor Brennan’s call telling petitioner that he could not have “any type of religious gathering in [his] home without first obtaining a special use permit.” J.A. 10.
- The City’s order demanding that petitioner “immediately cease and desist” his religious activities. J.A. 12.
- The City’s directive that petitioner apply for a special-use permit, which carried a \$400 application fee. J.A. 13-14.
- The City’s decision to use a novel “quasi-judicial format” for the planning-commission meeting. J.A. 18.
- Mayor Brennan’s public statement that petitioner could not “conduct activities consistent with those in a house of assembly” at his home. J.A. 23.

The complaint also identifies various ways in which respondents’ actions harmed petitioner:

- He was “prevent[ed] * * * from praying in his home to accommodate his religious needs.” J.A. 78.

- He “incurred damages in needless administrative and service fees to the City and other professionals.” J.A. 83.
- He suffered “emotional distress, anguish, stress, shame, humiliation, anger, and fear.” J.A. 81.

Petitioner sought damages, a declaration that the City’s actions were unlawful, and an injunction permitting him “to pray with a minyan on Shabbos and Jewish holidays in his home without obtaining a [permit] from the City.” J.A. 94; see J.A. 96.

In discovery, Mayor Brennan admitted—seemingly for the first time—that the City’s ordinances do not require a permit for “a small regular prayer gathering.” J.A. 324. The City endorsed that testimony in its briefing. D. Ct. Doc. 88, at 3 (Feb. 26, 2024).

2. The parties filed cross-motions for summary judgment, which the district court granted to respondents. Pet. App. 21a-22a. The court sua sponte raised whether petitioner’s claims were ripe. *Id.* at 41a. The court understood Sixth Circuit precedent to require “a final determination by the appropriate local or administrative body” for “all claims arising from a land-use dispute.” *Id.* at 41a n.4, 42a. Because this case involved land use but petitioner withdrew his permit application, the court deemed the First Amendment, due-process, equal-protection, and RLUIPA claims unripe and dismissed them “for lack of subject matter jurisdiction.” *Id.* at 50a; see *id.* at 47a-50a.

3. The court of appeals affirmed. Pet. App. 1a-18a. Relying on circuit precedent, the court read *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), to generally require “a concrete and final decision by the local authorities” before a claim is ripe “[i]n the land-use con-

text.” Pet. App. 7a. Here, the court deemed the dispute unripe because petitioner never obtained a final decision on his permit application. *Id.* at 8a. Although petitioner pointed to the cease-and-desist order, the court considered that order nonfinal because Law Director McConville, who sent it, lacked final decision-making authority. *Id.* at 9a.

The court of appeals also concluded that delaying adjudication would “not unfairly harm” petitioner because he could file a new suit if the City ever tried to apply the ordinance to him. Pet. App. 11a. In the court’s view, petitioner was “the author of any chilling effect on his First Amendment interests” because he withdrew his application before obtaining a final decision. *Id.* at 14a.

The court of appeals agreed with petitioner that facial challenges to zoning ordinances do not require a final decision. Pet. App. 14a. But the court held that petitioner had forfeited any such claim, which failed on the merits regardless. *Id.* at 14a-15a.

SUMMARY OF ARGUMENT

Under ordinary Article III principles, petitioner has suffered concrete, particularized, and actual injuries sufficient to bring a ripe claim for retrospective relief, and his claim for prospective relief is likely ripe too.

A. In deeming this case unripe, the court of appeals misconstrued *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), to impose a categorical “‘finality’ requirement” for as-applied land-use claims. Pet. App. 7a.

Williamson County did not erect any such cross-cutting finality requirement for all as-applied claims that happen to involve land use. Instead, at its core, *Williamson County* applied the ordinary Article III requirement of a concrete, non-speculative injury to a tak-

ings claim. And it held that when the source of the plaintiff's alleged injury is the outcome of a zoning decision, the plaintiff generally has a cognizable injury only when a final decision is rendered.

For instance, in a regulatory-takings case like *Williamson County*, a plaintiff generally alleges that he has been denied the reasonably expected use of his land. But because zoning procedures are highly discretionary, it is often speculative whether the plaintiff will actually lose that use; the injury becomes clear only when the plaintiff has requested permission and been denied. *Williamson County* thus held that a plaintiff who never obtained a final denial lacked an "actual, concrete injury" and could not sue. 473 U.S. at 193. Similarly, when religious-liberty plaintiffs challenge an ultimate zoning decision—like the refusal to permit a church—they generally need to obtain a final denial to show a concrete, actual or imminent injury.

By contrast, those same Article III principles allow plaintiffs to challenge many other governmental actions that relate to land use without first obtaining a final zoning decision. Everyone agrees, for instance, that claims that a law is facially invalid are immediately ripe—whether they involve a taking or something else. When the very enactment of the law inflicts the alleged injury, the plaintiff need not go through a zoning process that cannot cure that harm. Similarly, plaintiffs need not obtain a final decision when they challenge some other aspect of the zoning process, like a municipality's choice of procedures. When the alleged injury is independent of the final zoning decision, the plaintiff need not obtain a final decision that is not the target of his claim.

B. Under those principles, petitioner's claims for retrospective relief are clearly ripe. Petitioner does not

challenge the *outcome* of his aborted effort to obtain a permit to hold a prayer group in his home; he alleges that he was harmed by respondents' *past* conduct, which cannot be redressed by a permit. Respondents' demand that petitioner cancel his prayer group inflicted an "objectively reasonable chill" on First Amendment rights sufficient under Article III. *First Choice Women's Resource Ctrs. v. Davenport*, 608 U.S. 174, 191 (2026) (citation omitted). Respondents' direction that petitioner apply for a permit also forced him to pay an application fee and hire a lawyer—classic pocketbook injuries. Further, petitioner alleges that those actions were religious discrimination because the City did not subject comparable non-Jewish gatherings to the same cumbersome procedures—a stigmatic injury also cognizable under Article III. Petitioner can sue over all of those injuries today.

C. Petitioner's claim for prospective relief is also likely ripe. When this suit was filed, petitioner continued to refrain from religious exercise—restraint that appears to have been objectively reasonable given respondents' fervent insistence that he needed a permit for home prayer and would face serious legal reprisals if he disobeyed. If the Court wishes to sidestep that question because the court of appeals did not meaningfully analyze it, the Court may alternatively remand for further consideration of the record.

D. Prudential ripeness would not prevent adjudication of petitioner's suit either. Any prudential aspects of *Williamson County* are unique to the takings context. And there is no prudent reason to defer this suit. Further administrative proceedings would do nothing to elucidate petitioner's claims, while delaying review

would unfairly deny him relief for past harms and force him to continue forgoing his religious exercise.

ARGUMENT

The court of appeals imposed a categorical “‘finality’ requirement” under which plaintiffs bringing as-applied claims “[i]n the land-use context” must obtain “a concrete and final decision by the local authorities” before filing suit. Pet. App. 7a (citation omitted). That per se rule, which the court divined from *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), is incorrect. Ordinary Article III principles govern religious-land-use cases like all others.

Under those principles, petitioner’s claims for retrospective relief are clearly ripe. He challenges past actions, targeted at him, that objectively chilled his religious exercise, cost him money, and inflicted the stigmatic harm of alleged discrimination. Petitioner’s prospective claim is also likely ripe, given the ongoing chill on his religious exercise. The Court could either decide that question itself or leave it and a related mootness issue for remand. Either way, the Court should reject the misimpression that Article III or prudential ripeness principles erect a unique and categorical final-decision requirement for all as-applied land-use claims.

A. *Williamson County* Does Not Impose A Categorical Finality Requirement For As-Applied Land-Use Claims

The court of appeals’ categorical finality requirement contravenes bedrock Article III principles, misunderstands *Williamson County*, and makes justiciability “more complicated than it needs to be.” *Diamond Alternative Energy, LLC v. EPA*, 606 U.S. 100, 125 (2025) (citation omitted). When a plaintiff challenges the out-

come of a zoning process, he generally must see the process through to have a concrete, actual or imminent injury under Article III. But numerous other governmental actions can inflict cognizable injuries in the land-use context, and when they do, Article III does not require a plaintiff to obtain a final decision that is orthogonal to his claim.

1. Williamson County is rooted in Article III's injury requirement

a. Article III limits federal courts to deciding “Cases” and “Controversies.” U.S. Const. Art. III, § 2, Cl. 1. Two related doctrines implement that limit: standing and ripeness. A plaintiff has standing only if he faces a concrete, actual or imminent injury that was likely caused by the defendant and would likely be redressed by judicial relief. See *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 157-158 (2014) (*SBA List*). And a claim is not ripe if it depends on “contingent future events that may not occur as anticipated, or indeed may not occur at all.” *Trump v. California*, No. 26A124 (Aug. 24, 2026) (per curiam), slip op. 3 (citation omitted). Both doctrines frequently “boil down to the same question”: whether the plaintiff’s asserted injury is “concrete and particularized and actual or imminent, not conjectural or hypothetical.” *SBA List*, 573 U.S. at 157 n.5, 158 (citations and internal quotation marks omitted).

Plaintiffs must establish standing and ripeness “for each claim that they press and for each form of relief that they seek.” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 431 (2021) (standing); see *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006) (ripeness). The plaintiff is “the master of the complaint” and can choose what action he wants to challenge. *Hain Celestial Grp. v. Palmquist*, 607 U.S. 421, 433 (2026) (citation omitted).

Once he has done so, courts must ascertain whether he has “suffer[ed] concrete harm because of” *that* action. *TransUnion*, 594 U.S. at 426; see *id.* at 426-427.

b. This Court’s decision in *Williamson County* applied those ordinary Article III principles to a regulatory-takings claim. A developer alleged that various zoning regulations effected a taking requiring just compensation under the Fifth Amendment. *Williamson County*, 473 U.S. at 181-182. The county planning commission had rejected the developer’s plan to build a residential subdivision as inconsistent with local zoning requirements. *Id.* at 181. But rather than seek a variance from those requirements, the developer immediately sued, alleging that it had been denied any economically viable use of its property. *Id.* at 182, 188.

This Court held that the claim was not ripe. *Williamson County*, 473 U.S. at 186. Because the developer had “not yet obtained a final decision regarding the application of the zoning ordinance,” the Court could not evaluate whether a taking had occurred. *Ibid.* Until the zoning authorities “arrived at a definitive position,” the developer had not suffered “an actual, concrete injury.” *Id.* at 193. It could only speculate that its variances would be denied and that the denial would cost the developer “all reasonable beneficial use of its property.” *Id.* at 194.¹

While the Court has sometimes described *Williamson County* as a “prudential” decision, that description is something of a misnomer. *E.g.*, *Suitum v. Tahoe Reg’l Planning Agency*, 520 U.S. 725, 734 (1997); *Lucas*

¹ *Williamson County* alternatively held that a takings claim is not ripe until the plaintiff exhausts state procedures for seeking compensation. See 473 U.S. at 194-197. This Court overruled that holding in *Knick v. Township of Scott*, 588 U.S. 180, 206 (2019).

v. *South Carolina Coastal Council*, 505 U.S. 1003, 1013 (1992). At its core, *Williamson County* implements Article III by asking whether there was a “sufficient ‘injury’ for federal jurisdiction.” *Horne v. Department of Agric.*, 569 U.S. 513, 525 (2013).

Local zoning bodies are “singularly flexible institutions; what they take with the one hand they may give back with the other.” *MacDonald, Sommer & Frates v. County of Yolo*, 477 U.S. 340, 350 (1986). Until authorities reach a final decision, the contours of local zoning requirements—and whether those requirements injure the plaintiff—will often be unclear. Only a final decision “ensures that a plaintiff has actually ‘been injured by the Government’s action’ and is not prematurely suing over a hypothetical harm.” *Pakdel v. City & County of San Francisco*, 594 U.S. 474, 479 (2021) (per curiam) (citation omitted).

c. Because a plaintiff who challenges the *outcome* of the zoning process generally lacks a concrete injury until the decision is rendered, *Williamson County*’s Article III-based requirement of a final zoning decision applies to many takings claims. A restriction on property use “is not a taking unless it saps too much of the property’s value[,] * * * frustrates the owner’s investment-backed expectations,” or is not “‘reasonably necessary to the effectuation of a substantial government purpose.’” *Sheetz v. County of El Dorado*, 601 U.S. 267, 274 (2024) (citation omitted). When a plaintiff is challenging the degree of interference a zoning decision might wreak upon his property rights, that injury typically becomes clear and non-speculative only when local authorities definitively deny the desired land use.

That same principle applies outside the takings context when plaintiffs bring other types of claims that

challenge the outcome of a zoning process. Article III precepts demand that those plaintiffs too must see that process through to establish an injury. For example, a church might allege that local authorities have categorically refused to allow it to modify its building in a way required by its members' faith. *E.g.*, *Roman Catholic Bishop of Springfield v. City of Springfield*, 724 F.3d 78, 90 (1st Cir. 2013). Or a synagogue might allege that a town has definitively refused to let it host Jewish scholars at a Yeshiva. *E.g.*, *Congregation Anshei Roosevelt v. Planning & Zoning Bd.*, 338 Fed. Appx. 214, 216 (3d Cir. 2009); see also Pet. Br. 51.

In those circumstances, plaintiffs purport to challenge the outcome of the zoning process, *i.e.*, whether they can ever use their property as proposed. But if they could still obtain a variance that would allow them to use the property as they desire, the lack of permission now is not a concrete, actual or imminent injury. The church cannot show that authorities have refused its requested modifications, and the synagogue cannot show that its Yeshiva has been rejected if there is still a route to obtain permission. The plaintiffs can only speculate that they will be injured from not being permitted to use their property as they wish—and Article III demands imminence, not mere speculation. See *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 409 (2013). Such claims are therefore generally not ripe until authorities reach a final decision.²

² As the court of appeals observed, a plaintiff might demonstrate that further proceedings would be “futile” because “the government has already ‘dug in its heels.’” Pet. App. 10a (quoting *Murphy v. New Milford Zoning Comm’n*, 402 F.3d 342, 349 (2d Cir. 2005)). At that point, “the permissible uses of the property [will be] known to a reasonable degree of certainty,” and the claim will be ripe under

2. *Plaintiffs need not await a final zoning decision if their injury does not rest on that outcome*

By contrast, other government actions that precede or are separate from a final zoning decision can inflict a here-and-now injury. When plaintiffs challenge *those* actions, they need not obtain a final zoning decision.

Outside the land-use context, plaintiffs often challenge interim steps in a governmental process. So long as those steps inflict cognizable injuries, those claims are justiciable. A subpoena to a nonprofit might chill its donors, injuring the nonprofit’s associational rights even before the subpoena is enforced. *E.g., First Choice Women’s Resource Ctrs. v. Davenport*, 608 U.S. 174, 192-193 (2026). A closed-door decision-making process might deny an interested party his right to information before the ultimate decision is made. *E.g., Public Citizen v. United States Dep’t of Justice*, 491 U.S. 440, 449 (1989). Or a college might use racial preferences that deny a prospective transfer student the equal opportunity to compete before the school decides whether to admit him. *E.g., Gratz v. Bollinger*, 539 U.S. 244, 262 (2003). The mere possibility of further governmental action does not make the claim unripe. So long as the plaintiff has a here-and-now injury from the action he is challenging (the subpoena’s issuance, the records’ non-disclosure, or the unequal playing field), Article III is no barrier.³

Williamson County. Palazzolo v. Rhode Island, 533 U.S. 606, 620 (2001). Or, in Article III terms, the plaintiff will have a “concrete,” “imminent,” and “not speculative” injury because the zoning process’s result will be foreordained. *Diamond*, 606 U.S. at 111 (citation omitted).

³ Such claims, of course, may face other hurdles. For instance, the “final agency action” requirement in the Administrative Proce-

The same rule applies in the land-use context—whether the plaintiff is bringing a takings claim or some other kind of claim. For instance, everyone agrees that facial challenges are generally ripe immediately. See Pet. App. 14a. If the “mere enactment of a piece of legislation” takes a plaintiff’s property, that taking is an injury, and he can sue. *Suitum*, 520 U.S. at 736 n.10 (citation and internal quotation marks omitted). Likewise, a church can immediately challenge a zoning ordinance that facially discriminates against churches. *E.g.*, *Church of Our Lord & Savior Jesus Christ v. City of Markham*, 913 F.3d 670, 677 (7th Cir. 2019); *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 283, 293 (5th Cir. 2012). And a rabbinical college can sue over a new zoning code that was allegedly enacted out of antisemitic animus. *E.g.*, *Congregation Rabbinical Coll. of Tartikov, Inc. v. Village of Pomona*, 945 F.3d 83, 89, 110 (2d Cir. 2019), cert. denied, 592 U.S. 1118 (2020). When the injury is complete the moment the law is enacted, the plaintiff does not need to pursue a zoning process that cannot cure its injury.

Article III equally does not demand a final decision for as-applied claims that do not challenge the outcome of the zoning process. In *Agins v. City of Tiburon*, 447 U.S. 255 (1980), for example, developers brought several takings claims against a California municipality. See *id.* at 257. Insofar as the developers argued that city ordinances would prevent their development, that claim was not ripe because they had never sought permission to build. *Id.* at 260. There could be no “concrete controversy” about the outcome of the zoning process

dure Act, 5 U.S.C. 704, limits suit against the federal government over ongoing administrative processes. But that barrier is statutory and inapplicable here.

until the process was complete. *Ibid.*; see *Williamson County*, 473 U.S. at 187 (relying on *Agins*). But the developers also argued that the city's earlier efforts to condemn their land effected a taking by impairing the land's value. *Agins*, 447 U.S. at 263 n.9. While that claim failed on the merits, *ibid.*, the developers' injury was obvious: They alleged that their land was worth less money, and they could sue over that injury today.

Religious-liberty plaintiffs can likewise bring claims that target something other than a final zoning decision, like a municipality's choice of procedures. When they do, Article III does not require them to obtain a final decision that cannot cure their injury. For instance, a church might allege that the permitting process itself is so costly as to impose a substantial burden on religious exercise. *E.g.*, *Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957, 982 (9th Cir. 2011), cert. denied, 568 U.S. 940 (2012). A temple might allege that it was required to seek permits only out of religious animus. *E.g.*, *Temple B'Nai Zion, Inc. v. City of Sunny Isles Beach*, 727 F.3d 1349, 1357-1358 (11th Cir. 2013). Or a landowner might allege that a town subjected his religious gathering to a zoning procedure not used for comparable secular gatherings. *E.g.*, *Grace New England v. Town of Weare*, No. 24-cv-41, 2025 WL 3187102, at *4, *8 (D.N.H. Nov. 10, 2025).

Those claims are generally ripe immediately because the permitting process itself inflicts the asserted injury. Just like a facial claim, an as-applied challenge to a municipality's choice of procedures alleges that the municipality's conduct was unlawful whatever the ultimate decision. Article III does not require the plaintiff to obtain that ultimate permitting decision before filing suit.

Of course, a plaintiff may *want* to seek a final decision—either in hopes of winning approval or to strengthen his ultimate claim. Suppose a landowner wants to host a thousand-person revival on his farm, but his town requires a \$100 permit to address traffic impacts. The landowner might choose to sue immediately, alleging that the permitting fee is a substantial burden on his religious exercise that violates RLUIPA. See 42 U.S.C. 2000cc(a)(1). Or the landowner might seek a permit, and, if denied, allege that the refusal to allow the revival is a substantial burden. The latter claim may well be stronger on the merits, but both are ripe under Article III. What the landowner cannot do is speculate that the town is likely to deny his permit and sue immediately, pointing to that speculative possibility as his injury.

B. Petitioner’s Claims For Retrospective Relief Are Ripe

Under the above principles, petitioner’s claims for retrospective relief are clearly justiciable, and this Court should so hold to avoid confusion in a case where settled legal principles “yield[] a ready conclusion.” *Case v. Montana*, 607 U.S. 107, 117 (2026).

Petitioner’s case does not, as the court of appeals stated, “turn[] on whether his proposed gatherings would render his home a ‘house[] of worship’ under the ordinance.” Pet. App. 10a (citation omitted). Instead, petitioner has brought a host of claims for retrospective relief to redress *past* harms that occurred before the zoning process had even begun and that would have persisted even if petitioner had received a permit. Specifically, the operative complaint challenges two relevant categories of action: (1) respondents’ directives that he cancel his prayer group; and (2) respondents’ directive that he apply for a permit via a quasi-judicial hearing.

Both actions inflicted concrete, particularized, and actual or imminent injuries on petitioner.

1. Respondents injured petitioner by commanding that he stop his religious exercise. As this Court just reaffirmed, “a party suffering an ‘objectively reasonable chill’ to its First Amendment associational rights has an injury in fact sufficient” under Article III. *First Choice*, 608 U.S. at 191 (citation omitted). The same rules apply to claims involving “the free exercise of religion.” *Whole Woman’s Health v. Jackson*, 595 U.S. 30, 50 (2021). A plaintiff’s injury must not be “speculative” or “self-inflicted.” *Clapper*, 568 U.S. at 414, 418. But when the plaintiff faces a “specific present objective harm or a threat of specific future harm” that leads him to refrain from First Amendment-protected activity, Article III’s requirements are met. *Laird v. Tatum*, 408 U.S. 1, 14 (1972).

Respondents’ actions objectively chilled petitioner’s religious exercise, inflicting an Article III injury. The City issued a cease-and-desist order, commanding petitioner to “immediately cease and desist” “[t]he use or operation of the Premises * * * as a shul or synagogue” on pain of “building code citations” and “additional remedies.” J.A. 199. In University Heights, those remedies could include up to six months’ imprisonment. City of University Heights, Ohio, Code of Ordinances § 1420.99 (2025). Mayor Brennan then underscored the order, telling petitioner that “you need a special use permit if you want to pray in your house” and confirming that, in his view, it would be illegal to have “10 Jews in a room” without a permit. J.A. 153-154.

Importantly, the cease-and-desist order was not limited to barring a synagogue from operating without a permit. Instead, the City told petitioner that he also

could not host a “shul,” J.A. 199—a Yiddish word nowhere in the City’s ordinances. Petitioner testified that he understands a “shul” to be “any little space where you can gather and minyan and daven”—*i.e.*, anywhere ten men can pray, as petitioner had sought to do in his home. D. Ct. Doc. 80, at 24 (Jan. 26, 2024) (Grand Depo.); accord J.A. 363-364 (declaration from petitioner’s wife); J.A. 366 (declaration from rabbi). Petitioner testified, for instance, that an airplane is a “shul” when Jewish men gather to pray on a flight to Israel. Grand Depo. 24. And he offered evidence that a “shul” meets behind the kosher hot-dog stand at Nats Park after the fifth inning while, at Yankee Stadium, the “shul” gathers next to the kosher hot-dog stand during the seventh-inning stretch. D. Ct. Doc. 91-1, at 6, 8 (Mar. 11, 2024). For his part, even Mayor Brennan recognized that a “shul” can be “a small gathering place.” Brennan Depo. 55. On its face—and certainly as clarified by Mayor Brennan—the cease-and-desist order forbade petitioner’s prayer group.

An objectively reasonable person in petitioner’s shoes would have cancelled his gathering. Reasonable “[p]eople do not lightly disregard public officers’ thinly veiled threats to institute criminal proceedings against them if they do not come around.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 68 (1963). And petitioner did comply, promptly cancelling his prayer group “[a]s a result” of the directives. J.A. 191. Taking petitioner’s version of the facts “to be true” on summary judgment, *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992), petitioner suffered an objectively reasonable chill on his religious exercise.

2. Respondents inflicted further Article III injuries by demanding that petitioner apply for a permit and by

using an allegedly novel, quasi-judicial hearing. Those procedures inflicted here-and-now injuries regardless of the outcome of the process—both by forcing petitioner to spend money on his application and because they involved alleged discriminatory treatment.

First, respondents imposed pocketbook harms on petitioner. Mayor Brennan and Law Director McConville directed petitioner to apply for a special-use permit, costing him \$400 in application fees for which he never received a refund. J.A. 188. That loss of money is a classic Article III injury. *Czyzewski v. Jevic Holding Corp.*, 580 U.S. 451, 464 (2017). Further, the City chose to conduct petitioner’s hearing in an adversarial, “quasi-judicial” format for which City officials told petitioner to hire a lawyer, which he did. J.A. 183. While attorneys’ fees do not support jurisdiction where they “are a byproduct of the litigation,” any fees paid to seek the permit are “unrelated to litigation” and “assuredly support Article III standing” (and thus ripeness). *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 107-108 (1998).

Second, the City’s alleged religious discrimination itself injured petitioner. For Article III purposes, the Court “accept[s] as valid the merits of [the plaintiff’s] legal claims.” *FEC v. Ted Cruz for Senate*, 596 U.S. 289, 298 (2022). Petitioner alleges that respondents discriminated against him in violation of the Equal Protection Clause and RLUIPA. J.A. 86, 88-89. He alleges that the City has only ever required Orthodox Jews to seek permits for home prayer, even though students at the City’s Catholic university routinely hold comparable home gatherings. J.A. 24. He alleges that no previous

permit applicant faced a quasi-judicial hearing. J.A. 18.⁴ And he alleges that respondents’ actions were part of a larger campaign to restrict Orthodox Jews to a “Ghetto” on the City’s eastern edge. J.A. 25.

Accepting that merits theory, petitioner was “personally denied equal treatment” and suffered a “stigmatizing injury” cognizable under Article III. *Allen v. Wright*, 468 U.S. 737, 755 (1984); see *Heckler v. Mathews*, 465 U.S. 728, 739-740 (1984). Even if petitioner had ultimately obtained a permit, the stigmatic harm would persist. Petitioner therefore did not need to see the permit process through to bring his claim. Instead, he can seek retrospective relief, like nominal damages, to redress his past harms. See *Uzuegbunam v. Preczewski*, 592 U.S. 279, 283 (2021).

C. Petitioner’s Claim For Prospective Relief Is Likely Ripe

Petitioner also seeks prospective relief “permitting [him] to pray with a minyan on Shabbos and Jewish holidays in his home without obtaining a [special-use permit] from the City.” J.A. 94. Again, that claim does not target the *outcome* of the zoning process. It alleges that petitioner should not have to go through the process in the first place, *i.e.*, that he should be able to pray *without* a permit. That claim is likely ripe as well, and the Court could so hold. But to the extent the Court considers the record unclear, it could alternatively remand for further consideration.

⁴ Law Director McConville agreed with petitioner that the Commission had never previously used the quasi-judicial format to consider an application for a special-use permit. J.A. 371. Mayor Brennan testified that there was one prior example—also when Orthodox Jews sought to pray in a home. Brennan Depo. 36, 108.

1. For the reasons above, respondents’ demands that petitioner cancel his prayer group objectively chilled his religious exercise. Had petitioner sued immediately, he unquestionably could have sought prospective relief—for example, by seeking an injunction against the cease-and-desist order to permit that weekend’s prayer group.

Petitioner, however, waited 20 months, until September 2022, to file this case. The question, then, is whether his religious exercise remained objectively chilled as of that date. See *Trump v. California*, slip op. 7 (Article III injury is assessed “[a]t the time th[e] suit was filed.”).

The answer appears to be yes. Petitioner testified that he did not organize another minyan after the cease-and-desist order and would have been “petrified” to do so. J.A. 161. The only time he hosted a minyan was when spontaneous prayer broke out at a Shabbat dinner with the requisite ten men. J.A. 160-161. While that single gathering diminishes the chill marginally, it does not indicate that petitioner was not chilled at all, as the court of appeals suggested. See Pet. App. 13a. Since the cease-and-desist order, petitioner has now missed 293 Sabbaths of home prayer. See Pet. Br. 16. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) (per curiam) (citation omitted). The years-long chill on petitioner’s free exercise is plainly an injury.

Petitioner’s ongoing abnegation also appears to be objectively reasonable. The City never withdrew the cease-and-desist order threatening action if petitioner hosted a “shul”—a term that everyone agrees encom-

passes small gatherings. J.A. 199; see pp. 22-23, *supra*. After petitioner withdrew his permit application, Mayor Brennan publicly reaffirmed that the cease-and-desist order “remain[ed] in effect” and that it was illegal to “congregat[e]” at petitioner’s house. J.A. 338. The Mayor invited residents to report any “activities consistent with those in a house of assembly”—a mandate that could easily encompass organized prayer. *Ibid*.

Those statements were particularly chilling given that petitioner had just endured a three-hour meeting filled with what one planning-commission member described as “[p]roblematic,” “anti-semetic [sic] rhetoric.” J.A. 279-280. Soon thereafter, a neighbor set up four cameras to spy into petitioner’s home, and a police supervisor ordered increased “drive-bys” for parking violations. J.A. 303, 347. Those facts suggest that it was objectively reasonable for petitioner to continue forgoing his religious exercise out of fear that respondents would punish him for any perceived violation of the outstanding cease-and-desist order.

2. Because the court of appeals applied its mistaken, categorical ripeness rule, it did not ask whether it was objectively reasonable for petitioner to continue forgoing his religious exercise under ordinary Article III principles. In the view of the United States, petitioner’s conduct was likely objectively reasonable, and the Court could so hold. Alternatively, the Court may wish to leave that more fact-bound issue for remand, consistent with its role as “a court of review, not of first view.” *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005).

On remand, the court of appeals could also address the separate question of whether petitioner’s claim for prospective relief is now moot. After petitioner filed this lawsuit, Mayor Brennan recognized—apparently

for the first time—that the City’s ordinances do not require a permit for “a small regular prayer gathering.” J.A. 324. The City now appears to agree. See Br. in Opp. 17; D. Ct. Doc. 88, at 3 (Feb. 26, 2024).

Given that concession, it is uncertain whether there remains a live controversy over petitioner’s need for a permit. When a defendant “suspend[s] its challenged conduct after it is sued,” the case is not “‘automatically moot.’” *FBI v. Fikre*, 601 U.S. 234, 241 (2024) (citation omitted). The defendant bears a “‘formidable burden’” to show that its challenged conduct “cannot ‘reasonably be expected to recur.’” *Ibid.* (citation omitted). The court of appeals did not address whether respondents have met that burden because it dismissed the at-issue claims as unripe. Pet. App. 6a. This Court need not address the issue either because standing, ripeness, and mootness are jurisdictional and can be addressed in any order. See *Acheson Hotels, LLC v. Laufer*, 601 U.S. 1, 4 (2023). But the question remains open, and the court of appeals could consider it on remand if appropriate.

D. Prudential Ripeness Does Not Bar Petitioner’s Claims

This Court’s cases have also recognized a non-jurisdictional ripeness doctrine which considers whether the issues are fit for review and whether deferring review would cause hardship to the parties. See *Abbott Labs. v. Gardner*, 387 U.S. 136, 149 (1967). Though the doctrine is often called “prudential ripeness,” that label is misleading. See *SBA List*, 573 U.S. at 167 (citation omitted). Instead, the doctrine may be better understood as a background equitable principle that guides courts’ remedial discretion over whether to issue injunctions or declaratory judgments. See *Abbott Labs.*, 387 U.S. at 148.

It is unclear whether the decisions below rest on that doctrine. The district court dismissed petitioner's claims "for lack of subject matter jurisdiction." Pet. App. 22a; see *id.* at 41a n.4 (ripeness "goes to whether the Court has subject matter jurisdiction"). The court of appeals affirmed that disposition, *id.* at 18a, and described ripeness as a limit on "[t]he judicial power of the United States" that is rooted in "Article III," *id.* at 6a. But both courts briefly averted to "prudential concerns," *ibid.*; see *id.* at 41a, and respondent does as well, Br. in Opp. 11-12. Petitioner too appears to read the decision below as primarily prudential. See Pet. Br. 34.

To the extent the judgment below rests on non-constitutional grounds, that holding is unsound. *Williamson County* does not support any prudential limitation on land-use claims outside of the takings context. As discussed, pp. 14-17, *supra*, *Williamson County* is best understood as primarily an application of Article III's injury requirement. But any prudential aspects of that decision are unique to the takings context; the Court has described them as "compelled by the very nature of the inquiry required by the Just Compensation Clause." *Williamson County*, 473 U.S. at 190.

The Court has emphasized that regulatory-takings claims require a detailed economic analysis considering "the economic impact of the challenged action and the extent to which it interferes with reasonable investment-backed expectations." *Williamson County*, 473 U.S. at 191. And the Court has observed in that setting that courts cannot know whether a "regulation has gone too far" unless it "first know[s] how far the regulation goes." *Pakdel*, 594 U.S. at 479 (brackets, citation, and internal quotation marks omitted).

Those merits-based considerations do not translate to religious-liberty claims. Even a brief loss of free-exercise rights is an injury. See *Roman Catholic Diocese*, 592 U.S. at 19. And, unlike economic effects that need to be quantified in takings cases, religious exercise cannot be quantified. To the extent *Williamson County* requires the dismissal of takings claims that are justiciable under Article III, that doctrine does not apply to petitioner’s claims. The court of appeals therefore erred in relying on *Williamson County* to dismiss petitioner’s claims, whether that decision is better understood as an application of Article III or prudential considerations. Cf. Pet. Br. 39-41 (contending that *Williamson County* is a prudential decision).

The court of appeals suggested that a finality requirement would keep “land-use policy * * * in local, politically accountable hands” and prevent the Court “from swinging at a moving target”—rationales that sound more in prudence than Article III. Pet. App. 7a. But RLUIPA and 42 U.S.C. 1983 reflect a congressional judgment that land-use policy should *not* remain in local hands when it violates individuals’ statutory and constitutional rights.

Moreover, any moving target is one of respondents’ making. The cease-and-desist order, as reinforced by Mayor Brennan, was clear that petitioner could not proceed with his prayer group, which is why the chill was objectively reasonable under Article III. See pp. 22-23, *supra*. It is only respondents’ in-litigation concession that a small gathering does not require a permit that has injected uncertainty. Because that issue arose after the complaint was filed, it goes to whether petitioner’s claim for prospective relief is moot, not unripe. See pp. 27-28, *supra*.

If anything, respondents' concession underscores the imprudence of dismissing this case. Dismissal leaves petitioner without redress for *past* injuries inflicted by respondents' demand that he seek a permit that everyone now agrees that he did not need. No "further factual development" is possible much less necessary on those backwards-looking claims. *SBA List*, 573 U.S. at 167 (citation omitted).

The court of appeals also stated that dismissal would not harm petitioner because he could refile his suit if the City tried to apply its ordinance to him again. Pet. App. 11a-12a. Again, that ignores petitioner's claims for retrospective relief, which would remain unredressed even if the City never took further action against petitioner. And it misconstrues petitioner's claims for prospective relief. Petitioner does not "want[] clarity about the challenged policies." Contra *id.* at 12a. He claims that those policies do not apply to him and that respondents acted unlawfully in telling him otherwise. If those actions continue to objectively chill petitioner's religious exercise, there is no prudent reason to leave their alleged illegality for another day.

CONCLUSION

The court of appeals' judgment should be reversed.
Respectfully submitted.

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