**22-913 DEVILLIER V. TEXAS**

DECISION BELOW: 53 F.4th 904

LOWER COURT CASE NUMBER: 21-40750

QUESTION PRESENTED:

In *First English Evangelical Lutheran Church v. County of Los Angeles*, this Court recognized that the Fifth Amendment's Takings Clause was "self-executing" and that "[s]tatutory recognition was not necessary" for claims for just compensation because they "are grounded in the Constitution itself[.]" 482 U.S. 304, 315 (1987). Since *First English*, several state courts of last resort have held that the self-executing nature of the Takings Clause requires them to entertain claims directly under the Clause without the need for statutory authorization. Two federal Circuits, the Fifth and the Ninth, disagree and have held that claims for just compensation are only available if they are legislatively authorized. The question presented is:

May a person whose property is taken without compensation seek redress under the self-executing Takings Clause even if the legislature has not affirmatively provided them with a cause of action?

CERT. GRANTED 9/29/2023