

08-1438 SOSSAMON V. TEXAS

DECISION BELOW: 560 F.3d 316

LOWER COURT CASE NUMBER: 07-50632

QUESTION PRESENTED:

The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc to 2000cc-5, provides an express private right of action to "obtain appropriate relief against a government," *id.* § 2000cc-2. The statute defines "government" to include state and local governmental entities and any "official of [such] an entity." *Id.* § 2000cc-5(4) (A). The Fifth Circuit held, in conflict with the decisions of other courts, that the Constitution prohibits Congress from authorizing damages claims against states, or against state officials in their individual or personal capacities, for violations of the statute. The question presented is:

Whether states and state officials may be subject to suit for damages for violations of the Religious Land Use and Institutionalized Persons Act?

LIMITED TO THE FOLLOWING QUESTION: "WHETHER AN INDIVIDUAL MAY SUE A STATE OR STATE OFFICIAL IN HIS OFFICIAL CAPACITY FOR DAMAGES FOR VIOLATIONS OF THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT, 42 U.S.C. §2000cc ET SEQ. (2000 ED.)."

JUSTICE KAGAN TOOK NO PART
CERT. GRANTED 5/24/2010