

**22-96 FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO V.
CENTRO DE PERIODISMO INVESTIGATIVO, INC.**

DECISION BELOW: 35 F.4th 1

LOWER COURT CASE NUMBER: 21-1301

QUESTION PRESENTED:

It is a bedrock principle of federalism that a statute does not abrogate sovereign immunity unless Congress's intent to abrogate is "unmistakably clear" in the statutory text. *Dellmuth v. Muth*, 491 U.S. 223, 228 (1989). This Court and each of the other Circuits have held that a statute granting the federal courts jurisdiction over a category of claims without expressly addressing sovereign immunity does not abrogate. *See, e.g., Blatchford v. Native Vill. of Noatak*, 501 U.S. 775, 786 & n.4 (1991).

The First Circuit nevertheless held, over a vigorous dissent, that 48 U.S.C. § 2126 (a) of the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA)-which grants federal jurisdiction over claims against the Financial Oversight and Management Board for Puerto Rico and claims otherwise arising out of PROMESA, but says nothing about abrogation-eliminates the Board's immunity in its totality. While acknowledging that the statutory language "may not be as precise" as other instances of abrogation, the court held that certain provisions "impl[y]" that result. It did so even though jurisdiction was necessary for those claims not subject to immunity.

The Question Presented is: Does 48 U.S.C. § 2126(a)'s general grant of jurisdiction to the federal courts over claims against the Board and claims otherwise arising under PROMESA abrogate the Board's sovereign immunity with respect to all federal and territorial claims?

CERT. GRANTED 10/3/2022