

STEWART, J., concurring

SUPREME COURT OF THE UNITED STATES

DEDUARDO9 v. STEFFJONEZ

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 05–58. Decided July 17, 2018

The petition for a writ of certiorari is denied.

JUSTICE STEWART, with whom JUSTICE ROBERTS joins,
concurring in the denial of certiorari.

This case follows a strange path. Petitioner deduardo9 appeals the dismissal and the reversal of said dismissal by the district court. The matter was originally dismissed by Judge Jtport finding that respondent was protected by the “Clan Manager immunity” recognized in various Supreme Court cases. The dismissal was soon reversed because of “judicial error” and Judge Jtport recused.

Appellate courts have the powers to hear appeals from a “final decision” of a court of original jurisdiction. “A ‘final decision’ generally is one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Catlin v. United States*, 324 U. S. 229, 233 (1945) (punctuation altered) (citing *St. Louis, I. M. & S. R. Co. v. Southern Express Co.*, 108 U. S. 24, 28). There has been no final decision here. While the original dismissal would have constituted a final judgment, the reversal present here precludes such a reading. The reversal allows litigation on the merits to continue and still leaves the court to adjudicate such. Petitioner contends that the District Court reversing its own ruling is “illogical”; such is permitted, however, under Federal Rules of Civil Procedure 59 and 60. Pet. for Cert. 2. For this Court to determine if Rule 59 and 60 have been followed correctly would violate this rule.

The question that petitioner presents is a significant one:

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Are Clan Managers immune from suit regardless of any circumstance? The Court, however, lacks jurisdiction to answer that at this time. I therefore concur in the denial of certiorari.