Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES *v.* INCELS UNION

CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 09–63. Argued August 11, 2020—Decided August 26, 2020

After Congress enacted the Pride Act of 2020, which established a rule of nondiscrimination on the grounds of sexual orientation, an association known as Incels Union formed. That group filed a lawsuit in the Federal District Court contending that the Pride Act was unconstitutionally vague. The District Court ended up striking the counsel for the United States who appeared in response to the case after a series of back-and-forth motions. The District Court then entered default judgment blocking enforcement of the Pride Act after the United States failed to file a timely response to the civil complaint due to its counsel having been struck. The United States appealed the entry of default judgment.

Held: Respondent has not established Article III standing to challenge the Pride Act of 2020; the order of disqualification for the United States' counsel was an abuse of discretion, and the entry of default judgment was clearly erroneous. Pp. 3–15.

(a) The District Court abused its discretion by disqualifying the Federal Government's counsel in this case. Pp. 3–7.

(b) The entry of a preliminary injunction was erroneous because respondent lacked Article III standing and the equities did not support a preliminary injunction. Pp. 7–11.

(c) The order granting default judgment was clearly erroneous because the United States was participating in this case, as provided in *United States* v. *Maxonymous*, 9 U. S. 152. Pp. 11–15.

Orders reversed and remanded.

JAY, J., delivered the opinion for a unanimous Court.

SUPREME COURT OF THE UNITED STATES

No. 09–63

UNITED STATES, PETITIONER *v.* INCELS UNION

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

[August 26, 2020]

JUSTICE JAY delivered the opinion of the Court.

While we may have had cases regarding intense issues, one conflict inevitably bound to come before us perpetually is discrimination based on issues of sex and sexual orientation. Despite this, we must always ensure that lower courts follow the rules of procedure when conducting cases before it decides the issues before itself. Indeed, the rules of procedure were "designed to secure the just, speedy and inexpensive determination of every action." *Celotex Corp.* v. *Catrett*, 417 U. S. 317, 327 (1986). In this case, the United States asks us to review orders by the District Court regarding several issues, including whether counsel for the United States was erroneously dismissed, whether the court erroneously issued a preliminary injunction, and whether the court clearly erred when it issued default judgment against the United States for respondents. We hold that the District Court abused its discretion and committed clear error by deciding these issues as such, and accordingly reverse.

I

We start by outlining the facts regarding this case. Respondents are various officials within the United States federal government, self-described as "incels," who filed the

original suit to challenge the Pride Act of 2020, Pub. L. No. 80–13 (2020). Enacted to combat discrimination by both public and private employers in the United States based on an individual's sexual orientation, this bill made it unlawful "to terminate an employee from his or her employment in the Executive Branch based on their sexual orientation" and prohibited similar terminations in businesses approved by the Department of Commerce and Labor. §3. In addition, the bill also prohibited discrimination based on sexual orientation, setting the punishment for these actions to be "fined under this title, imprisoned not more than 1 week, or both." §3. Respondents claim that the term used in Pub. L. No. 80–13, "sexual orientation," is unconstitutionally vague, and argue that this vagueness results in violations of their religious freedoms. Transcript for *Incels Union* v. *United States*, 4:20-2121. Accordingly, they cite *Grayned* v. *City of Rockford*, 408 U. S. 104 (1972), to make their point clearer to the District Court.

Along with the initial complaint was a motion for a preliminary injunction to "enjoin the United States from enforcing the challenged provisions as applied until a final hearing on the merits." Respondents' Mot. for Prelim. Injunction, at 1. The District Court accepted the complaint and issued the preliminary injunction without any sort of legal justification for their decision. The United States waived summons, proceeding with Conjman as its counsel. Immediately, the United States filed a motion to dismiss on Rule 12(b)(6) grounds, claiming that respondents did not state a claim upon which relief could be granted and to remove the preliminary injunction. This cat-and-mouse game of filing motions continued as respondents also proceeded to heckle counsel for the United States. Although Conjman requested several times for the heckling to stop, the District Court did nothing to assist him; in fact, it went against him, and struck him as counsel for "frivolous motions." And due to the disqualification of counsel resulting in no response

from the United States, the District Court issued default judgment in favor of respondents, "striking down" the Pride Act of 2020.

The United States filed an interlocutory appeal regarding the questions of striking counsel and the preliminary injunction. This court denied certiorari, 9 U. S. 234 (2020). The case was then mandatorily reviewed by the Court of Appeals under its jurisdiction, but after the court was abolished while the case was pending before the court, 17 F. 4d. ___ (2020), the case was sent back to us, where we granted certiorari presently, 9 U. S. 234 (2020).

II

To analyze whether the District Court erred in its holdings, we must identify the standard of review for all of the issues. We previously recognized three standards of review we utilize when reviewing appeals from lower courts: *de novo* review, abuse of discretion, and clear error. *De novo* review requires us to "consider the case as though it was the first time it was being considered by a court . . . without any deference to the trial court's findings." *904* v. *Lukassie*, 2 U. S. 84, 84–85 (2017) (statement of Lahiri, J.). We discuss the standards of clear error and abuse of discretion below. *Infra*, at 4–5. We find that abuse of discretion is the appropriate standard for the first two issues at hand, and clear error for the third. A district court would "necessarily abuse its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence." *Cooter & Gell* v. *Hartmarx, Corp.*, 496 U. S. 384, 405 (1990). Usually, the district court's decision "whether to enter a default judgment is a discretionary one." *Aldabe* v. *Aldabe*, 616 F. 2d 1086, 1092 (CA9 1980). However, default judgment is not entirely discretionary in this case. Additionally, the United States' third issue takes on more of an appearance of a mixed question of law and fact where the "historical facts are admitted or established, the rule of

law is undisputed, and the issue is whether the facts satisfy the [relevant] statutory [or constitutional] standard," *Ornelas* v. *United States*, 517 U. S. 690, 696 (1996), where historical facts were "facts in the sense of a recital of external events and the credibility of their narrators." *Thompson* v. *Keohane*, 516 U. S. 99, 110 (1995). Fed. R. of Civ. P. Rule 55(d), however, allows for certain factual findings by the District Court of whether default judgment can be granted, and because "factual findings are reviewed for clear error," *Brown* v. *Plata*, 562 U. S. 493, 512 (2011) (citing *Anderson* v. *City of Bessemer*, 470 U. S. 564, 573–574 (1980)), we apply the "clear error" standard. The standard requires us to determine whether the District Court's order for default judgment was "clearly erroneous." *United States* v. *United States Gypsum Co.*, 333 U. S. 364, 398 (1948). A finding is clearly erroneous when the reviewing court is "left with the definite and firm conviction that a mistake has been committed." *Easley* v. *Cromartie*, 532 U. S. 234, 242 (2001); *Concrete Pipe & Products of Cal, Inc.* v. *Construction Laborers Pension Trust for Southern Cal.*, 508 U. S. 602, 622 (1993).

We now look towards the United States' arguments in turn. Because we hold that the District Court abused its discretion in adjudicating the first two issues presented, and committed clear error when deciding the third, we reverse the District Court's issuance of default judgment, the preliminary motion, and the disqualification of the United States' counsel.

A

Judges are inevitably granted some discretion when deciding common matters such as granting or denying a motion, so long as "discretionary choices are not left to a court's 'inclination, but to its judgment; and its judgment is to be guided by sound legal principles.'" *United States* v. *Taylor*, 487 U. S. 326, 336 (1988) (citations omitted). We usually

afford "the district court the necessary flexibility to resolve questions involving 'multifarious, fleeting, special, narrow facts that utterly resist generalization.'" *Koon* v. *United States*, 518 U. S. 81, 99 (1996).

The United States first asserts that the District Court erroneously struck its counsel without legal justification. We agree.

Disqualification of counsel is usually reserved for attorneys who are part of the worst of the worst. Disqualification has risen in light of the fact that inadequate performance of trial lawyers has become "a growing concern to the bench . . . and the public."[1] To counter this, we have repeatedly admonished that "judges should strive to maintain proper standards of performance by attorneys who are representing defendants in criminal cases in their courts." *McMann* v. *Richardson*, 397 U. S. 759, 771 (1970). See also *United States ex rel. Darcy* v. *Handy*, 203 F. 2d 407, 427 (CA3 1953) ("gross incompetence or faithlessness of counsel as should be apparent to the trial judge . . . call[s] for action by him"), cert. denied, 346 U. S. 865 (1953); *Ceramco Inc.* v. *Lee Pharmaceuticals*, 510 F. 2d 268 (CA2 1975) (explaining that "the courts have not only the supervisory power but also the duty and responsibility to disqualify counsel for unethical conduct prejudicial to his adversaries"). As such, we recognize that the district court "bears the responsibility for the

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[1]Schwarzer, Dealing With Incompetent Counsel—The Trial Judge's Role, 93 Harv. L. Rev. 633 (1979). It is also important to note that inexperienced attorneys are not necessarily incompetent attorneys, and vice versa. As we and individual Justices have explained in the past, we usually "sympathize with inexperienced counsel and their submissions." *In re Complaint Against Judge AcidRaps*, 9 U. S. 167, 171 (2020) (statement of BUTLER, J.). As such, we usually refuse to impose sanctions and "employ Draconian consequences when faced with newer, more inexperienced litigants who are still learning," including disqualification. *Id.*, at 171, n. 11 (2020). But our expectations, naturally, will slowly be raised for seasoned attorneys who have practiced in the courts and are familiar with most intermediate legal concepts.

supervision of the" counsel appearing before it. *Hull* v. *Celanese Corporation*, 513 F. 2d. 568, 571 (CA2 1975). The dispatch of this duty is discretionary in nature and the finding of the district court will be upset only upon a showing that an abuse of discretion has taken place. *Ibid*. See also *Gopman*, supra, at 266 ("The proper standard for . . . review of a disqualification order is whether the trial judge abused his discretion").

A quick look at the motions filed by the United States[2] shows nothing of "frivolous motions." When a pleading is filed with the district court, the individual that files the complaint automatically certifies to the court that to the best of the person's knowledge, information, and belief, the complaint is

> "'not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation, [and that] the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.' Fed. R. of Civ. P., Rules 11(b)(1) and 11(b)(2)."

None of the motions seemed to have been presented for any improper purpose, and the claims were warranted by existing law or by nonfrivolous arguments establishing new

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[2]The following motions were filed by the United States: a motion to dismiss on Rule 12(b)(6) grounds (denied), a motion to dismiss as respondents "failed to provide any evidence that all incels, or even a decent amount, in the world are in agreement that they may be represented by this legal team," 4:20–2121 (withdrawn), and a "motion" for dismissal for wasted time on the part of respondents (denied). In addition, as we mentioned, counsel for the United States repeatedly asked the District Court to sanction respondents after they repeatedly harassed him, and planned to file an affidavit for recusal under 28 U.S.C. §144 before he was disqualified as counsel for the United States by the court. *Ante*, at 2.

law. But it also seems that Judge Kakashi based his disqualification on nothing but discretion—for the United States' supposedly "frivolous motions." As such, we find that the District Court abused its discretion when it disqualified counsel for the United States on an erroneous view of the law, in this case, without any supportive legal justification.

B

Next, the United States argues that the District Court erred when it issued a preliminary injunction barring the United States from enforcing the statute until proceedings concluded.

A preliminary injunction is an extraordinary remedy never awarded as of right. *Winter* v. *National Resources Defense Council*, 555 U. S. 7, 24 (2008). For a plaintiff's request for a preliminary injunction to move forward, he must establish that "he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Id.*, at 20. In addition, the lower court must also "consider the overall public interest." *Trump* v. *International Refugee Assistance Project*, 582 U. S. ___, ___ (2017) (slip op. at 9) (*per curiam*).

We must therefore look as to whether the District Court properly analyzed the merits of the case before it exercised its discretion.

Start on respondent's motion. They claim that they have "probable success on the merits, [that they] will be irreparably harmed, [that] others will not be substantially harmed, [that] the public interest will be served, and [that] there is no adequate remedy at law." Respondents' Mot. for Prelim. Inj., at 1. But apart from that block of text, respondents state nothing about why they have satisfied all of these parts. This means that we would have to independently an-

alyze each element of the *Winter* test to ensure that respondents are actually entitled to the preliminary injunction.

We look towards whether the respondents have probable success on the merits. We conclude that it does not, and promptly hold that the District Court abused its discretion.

First, there are virtually no merits to this case, because both the original complaint and the motion for a preliminary injunction are useless to determine actual merits. In the complaint, the only claims for relief is "Declaratory Judgement [sic] that the Pride Act, as written, is constitutionally vague," and "Injunctive relief against the United States from implementing, regulating, or otherwise enforcing the Pride Act." We assume, therefore, that respondent's general claim is that the Pride Act is unconstitutional on its face, and that the unconstitutionality is completely sufficient for them to acquire relief.

The general doctrine of standing determines whether a litigant is entitled to "have the court decide the merits of the dispute or of particular issues." *Warth* v. *Seldin*, 422 U. S. 490, 498 (1975). The party invoking federal jurisdiction bears the burden of establishing its existence. *Steel, Co.* v. *Citizens for Better Environment*, 523 U. S. 83, 104 (2000). For a litigant to successfully establish standing within a federal court, they must first present "a harm suffered by the plaintiff that is 'concrete' and 'actual or imminent,' not 'conjectural' or 'hypothetical.'" *Steel Co.*, *supra*, at 103; *United States* v. *City of Las Vegas*, 4 U. S. 1, 4 (2017). Second, the harm must be "fairly traceable to the defendant's challenged action," and third, it must be "redressable by a favorable ruling." *Horne* v. *Flores*, 557 U. S. 433, 445 (2009) (citing *Lujan* v. *Defenders of Wildlife*, 504 U. S. 555, 560–561 (1992)). Under the current standing doctrine, respondents fail because they do not list an injury of which is concrete and particularized to have been caused by the

Pride Act of 2020, only seemingly conjectural and hypothetical injuries (that a constitutionally vague statute has injured them). Thus, respondents had no standing to bring this case before the District Court.

Our decisions limit the application of the "judicial power" to "cases and controversies." *Ultiman* v. *United States*, 6 U. S. 19 (2018); see also *Kirkman* v. *Nevada Highway Patrol*, 5 U. S. 62 (2018) (*per curiam*) ("The judicial power is a power to decide not abstract questions but real, concrete Cases and Controversies"). Every criminal investigation conducted by the Executive is a "case," and every policy issue resolved by congressional legislation involves a "controversy." *Steel, Co.*, *supra*, at 102. Otherwise, a plaintiff raising only a "generally available grievance about government—claiming only harm to his and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large—does not state an Article III case or controversy." *Lujan*, *supra*, at 573–574; see also *Hollingsworth* v. *Perry*, 570 U. S. 693, 706 (2013) ("[A]n asserted right to have the Government act in accordance with law is not sufficient, standing alone[.]"). If a dispute brought under the general "judicial power" is not a proper case or controversy, "the courts have no business deciding it, or expounding the law in the course of doing so." *City of Las Vegas*, *supra*, at 3 (2017) (quoting *DaimlerChrysler Corp.* v. *Cuno*, 547 U. S. 332, 341 (2006)). Federal courts, outside of anytime review, do not have a freestanding power to review and annul acts of Congress on the ground that they are unconstitutional. "That question may be considered only when the justification for some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act." *Massachusetts* v. *Mellon*, 262 U. S. 448, 488 (1923). The party who invokes the power must be able to show not only that "the statute is invalid but that he has sustained or is immediately in danger of

sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally." *Ibid*.

First, respondents rely on an excerpt of *Grayned* v. *City of Rockford*, 408 U. S. 104 (1972). In it, they claim the passage which says

> "vague laws offend several important values . . . because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly," as their justification. *Id.*, at 108.

Respondents err in concluding that *Grayned* will assist in maintaining their claim that the Pride Act of 2020 is unconstitutionally vague. While *Grayned* did provide why vague laws are detrimental to the functions of our government, we did not list any standard in determining that a statute is constitutionally vague. That argument must be made by the party challenging the statute on vague grounds.

In response, respondents claim that this argument was fulfilled in the original complaint. They say that "the evidence for these claims for relief were provided within the complaint submitted by counsellor BruceASnyder. Respondents cited [*Grayned*] as their primary evidence *proving* that the Pride Act of 2020 was unconstitutionally vague, thus making the claims for relief presented in the complaint valid." Brief for Respondent 6 (emphasis added). We reject this argument.

We have repeatedly emphasized that the tenet that a court must accept as true all of the allegations contained in a complaint is "inapplicable to legal conclusions." *Ashcroft* v. *Iqbal*, 556 U. S. 662, 678 (2009). Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. *Ibid*.

While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. *Iqbal*, *supra*, at 679. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief. *Ibid*. Simply stating that a group of individuals believe that one term is "constitutionally vague" is nothing more than a legal conclusion consented on and reached by the group. What's more, respondents' initial claims in the complaint appear more as "legal conclusion[s] couched as a factual allegation[s]." *Papasan* v. *Allain*, 478 U. S. 265, 286 (1986). As such, we must reject respondents' standing argument, as well as respondents' arguments claiming that they were likely to succeed on the merits of the case.

Second, even if we reject the analysis above, note that it is "not enough that the chance of success on the merits be better than negligible." *Nken* v. *Holder*, 556 U. S. 418, 434 (2009) (quoting *Sofinet* v. *INS*, 188 F. 3d 703, 707 (CA7 1999)). In our view, "more than a mere 'possibility' of relief is required." *Ibid*. Again, we cannot conclude from a skeletal argument that respondents demonstrated that their path to relief was not just a mere "possibility of relief." We therefore conclude that the District Court abused its discretion when it erroneously issued the preliminary injunction without analyzing whether respondents actually were entitled to injunctive relief.

III

We now move on to the United States' final argument: that the District Court erroneously issued default judgment against the United States, and that per our recent decision in *United States* v. *Maxonymous*, 9 U. S. 152 (2020), the District Court's default judgment should be overruled. We agree, but also make certain points clarifying and identifying certain errors in *Maxonymous*, as well as establishing

our reasoning as to why clear error is our standard for reviewing errors like the ones committed by the District Court while determining these issues.

Originally, the standard of review for default judgment issues would have also been abuse of discretion. See generally *Aldabe*, *supra*. However, we find that the clear error standard is more appropriate in this scenario, as will be explained below. Because Rule 55(d) of the Federal Rules of Civil Procedure requires a judge to determine "if the claimant establishes a claim or right to relief by evidence that satisfies the court [for issuance of default judgment against the United States]," the third issue would be a mixed question of law and fact for us to decide. And because the factual findings would mostly underly a Rule 55(d) default judgment, we utilize this standard in order to analyze whether the District Court committed a mistake in declaring default judgment for respondents, as well as the fact that factual findings are reviewed under clear error. *Brown*, *supra*. A finding is clearly erroneous when the reviewing court is "left with the definite and firm conviction that a mistake has been committed." *Easley*, *supra*. In *Maxonymous*, we held that default judgment "enforces courtesy." *Id.*, at 153. Congress intended that default judgment would be a "strict and immediate backlash against parties who take it upon themselves to ignore civil proceedings." *Ibid*. Owing to this, we concluded that the issuing of default judgment is purely discretionary, for the judge ultimately decides whether the defendant has ignored the proceedings before him.

Did the United States ignore these proceedings? According to our past precedent in *Maxonymous*, they did not. They interacted during the proceedings of the case before us, and even filed motions to the District Court for the case. They could not have been ignoring the proceedings before them.

In addition, lower courts can enter default judgment "against the United States, its officers, or its agencies only

if the claimant establishes a claim or right to relief by evidence that satisfies the court." Fed. R. of Civ. P., Rule 55(d). As we stated above, no claim or right to relief by evidence was established in the original complaint. "A skeletal argument, really nothing more than an assertion, does not preserve a claim." *United States* v. *Dunkel*, 927 F. 2d 955, 956 (1991). None of the claims, as we have demonstrated, have any merit as to satisfy the District Court in any possible way. Thus, under Rule 55(d) and *Maxonymous*, we are left with the firm conviction that the District Court made a mistake when it erroneously granted default judgment to respondents taking an erroneous view of Rule 55(d) and discarding it in favor of directly granting default to respondents without any other legal justification.

IV

In light of the fact that the outcome of the issues leans towards the United States, respondents attempt to get us to seemingly forget what we have discussed above to solve the issue they have repeatedly asked us to decide: whether the Pride Act of 2020 is unconstitutional on its face. We decline to answer that question and reject respondents' arguments in full.

Respondents argue that we should prioritize determining the constitutionality of the Pride Act over the procedural issues provided before us by the United States. They claim that the issue outweighs the United States' issues. Tr. of Oral Arg. at 8. However, we reject their requests to review the Pride Act of 2020.

First, as we stated above, respondents have no standing to have us review the Pride Act. They have not established a valid case or controversy for us to resolve. The "judicial power" does not include "power *per se* to review and annul acts of Congress on the ground that they are unconstitutional" outside of a case or controversy. *Mellon*, *supra*. In order for respondents to raise such an argument, they must

demonstrate "that they have justification for which some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act." *Ibid.*[3] Nor is the power of anytime review relevant. Respondents made the choice to bring this case in the District Court under the "judicial power," and we will not convert a civil action into an anytime review action on appeal.

Secondly, even if respondents did establish standing, we still recognize our own judicial self-restraint. Resolution of procedural issues first is allowed and encouraged by the rule that this Court will not pass upon a constitutional question if there is also present some other ground upon which the case may be disposed of. *Slack* v. *McDaniel*, 529 U. S. 473, 475 (2000) (quoting *Ashwander* v. *Tennessee Valley Auth.*, 297 U. S. 288, 347 (1936) (Brandeis, J., concurring) (emphasis added).

We must always remember that in an appeal, it is not the "burden of the petitioner to show that his appeal has merit, [but it] is the burden of the respondent to show the appeal lacks merit." *Party* v. *Board of Law Examiners*, 7 U. S. 50, 52 (2019) (quoting *Coppedge* v. *United States*, 369 U. S. 438, 448 (1962)). Because respondent also declines to respond to the issues presented by the United States, we are to believe that they have conceded the issues for the purposes of this case.

Here, respondents did not make a "substantial showing of the denial of a constitutional right," but the United States sufficiently argued that the District Court's procedural rulings "were wrong." *Ibid.* We cannot take respondents' arguments as true on their face. We therefore cannot review respondents' issues on the constitutionality of the Pride Act

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[3]It is crucial to know that during arguments, respondents claimed that their standing stemmed from the fact that the Pride Act violated their "First Amendment rights." That argument is immediately disposed of by the *Lujan* standard we have repeatedly upheld, however, so we reject respondents' arguments of presence of standing.

of 2020.

As such, we decline to determine whether §3 of the Pride Act is unconstitutional.

* * *

"The judicial Power" created by Article III, §1, of the Constitution is not whatever judges choose to do, or even whatever Congress chooses to assign them. It is the power to act in the manner traditional for English and American courts. *Vieth* v. *Jubelirer*, 541 U. S. 267, 278 (2004) (plurality opinion). One of the most obvious limitations imposed by that requirement is that judicial action must be governed by standard, by rule. Laws promulgated by the Legislative Branch can be inconsistent, illogical, and ad hoc; law pronounced by the courts must be principled, rational, and based upon reasoned distinctions. *Ibid.*

Our Federal Rules should be "construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. of Civ. P., Rule 1. In short, the District Court must ensure that its judgments, orders, and decisions are fair, principled, and rational. That was not the case here.

Based on our reasons above, we cannot affirm the judgment of the District Court without tainting our administration of justice. Per our own rules on judicial self-restraint, including the doctrine of standing, we cannot answer respondents' questions on the constitutionality of the Pride Act either, as of today. The orders of the District Court for the District of Columbia granting respondents default judgment, the preliminary injunction, and the disqualification of counsel for the United States are reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.