

City police officers shot and killed a woman's friend as he attempted to escape arrest for an armed robbery he had committed. The woman brought suit in federal district court against the city police department and the police officers involved, seeking only a judgment declaring unconstitutional the state statute under which the police acted. That newly enacted statute authorized the police to use deadly force when necessary to apprehend a person who has committed a felony. In her suit, the woman alleged that the police would not have killed her friend if the use of deadly force had not been authorized by the statute. The defendants filed a motion to dismiss the woman's suit.

How should the federal district court rule on this motion?

- A. Deny the motion, because the suit raises a substantial federal question.
- B. Grant the motion, because the Eleventh Amendment prohibits federal courts from deciding cases of this type.
- C. Grant the motion, because the suit does not present a case or controversy.
- D. Grant the motion, because the suit involves a nonjusticiable political question.

## Explanation:

### Justiciability

(suitability for judicial resolution)

#### Case or controversy

Prohibits advisory opinions under three doctrines:

- Standing – plaintiff must allege injury-in-fact caused by challenged action & redressable by remedy sought
- Ripeness – claim must present actual controversy involving past injury or present threat of injury
- Mootness – claim must be unresolved

#### Adequate & independent state grounds

SCOTUS cannot review final state court judgment that rests on adequate & independent state grounds

#### Political question

Court cannot hear case if issue presented:

- is reserved for executive/legislative branches *or*
- lacks judicially manageable standards for resolution

**SCOTUS** = Supreme Court of the United States.

**Article III restricts federal judicial power to actual cases or controversies**—ie, disputes that are capable of judicial resolution. As a result, federal courts can only issue a **declaratory judgment** if the **dispute presents a real and immediate danger** to a party's interests. Otherwise, the dispute would not satisfy Article III's case-or-controversy requirement since a judgment would amount to an **impermissible advisory opinion**—ie, a judicial opinion that determines the validity of a law *without* resolving an actual dispute.

Here, the woman sought a declaratory judgment that the state statute under which the police had killed her friend was unconstitutional. But the statute does not present a real and immediate danger to the woman since there is no indication that it poses any present or future harm to her. This means that the woman does not have any interest at stake to satisfy Article III's case-or-controversy requirement. Therefore, the federal court should grant the defendants' motion to dismiss the suit to avoid rendering an advisory opinion.

**(Choice A)** The woman's suit raises a **federal question** because she is challenging the constitutionality of a statute. However, the court must still dismiss her claim because no case or controversy exists.

**(Choice B)** The **Eleventh Amendment** bars private parties (and foreign governments) from suing *states* in federal court. But it does not apply to suits against *local* governments (eg, the city) or their affiliates (eg, the police department and its officers).

**(Choice D)** The political-question doctrine prevents federal courts from adjudicating issues that (1) are reserved to the executive or legislative branches or (2) lack judicially manageable standards for resolution. But since federal courts regularly determine the constitutionality of state statutes, this doctrine does not apply here.

**Educational objective:**

Article III's case-or-controversy requirement prohibits federal courts from issuing declaratory judgments unless the dispute presents a real and immediate danger to a party's interests. Otherwise, the judgment would amount to an impermissible advisory opinion.

**References**

- Ashcroft v. Mattis, 431 U.S. 171, 172–73 (1977) (holding that a father's emotional harm caused by the police shooting his son did not present an injury that would allow him to seek a declaratory judgment).

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