

The federal parole commission denied a federal prisoner's request for parole based on the commission's parole guidelines. The prisoner subsequently filed a class action against the commission in federal court, challenging the facial validity of the commission's parole guidelines on the basis that the guidelines violate federal law. After the court certified the class action, the prisoner was released from prison. The commission has moved to dismiss the case.

Should the court grant the motion?

- A. No, because an actual case or controversy exists for the court to decide.
- B. No, because the prisoner's suit is not ripe for decision.
- C. Yes, because the Eleventh Amendment prohibits this type of action in federal court.
- D. Yes, because the prisoner's claim has become moot.

Explanation:

Ripeness v. Mootness

Ripe Action will not be heard until plaintiff has experienced actual injury or imminent threat thereof
(too soon)

Moot Action will be dismissed if further proceedings would have no effect *unless*:
(too late)

- plaintiff's harm is capable of repetition yet evading review (eg, pregnancy)
- defendant voluntarily stops action but can resume it anytime
- plaintiff is named plaintiff in class action & claims of unnamed plaintiffs are still viable

Article III of the Constitution grants federal courts the power to decide **actual cases and controversies**—ie, disputes that are capable of judicial resolution. If further legal proceedings would no longer have an effect—often because the plaintiff's harm has been resolved—then an actual case or controversy typically ceases to exist. When this occurs, the **plaintiff's claim** is typically rendered **moot** and the case must then be **dismissed**.

However, one **exception** to this rule applies when the plaintiff whose claim has become moot is the named plaintiff in a certified class action (as seen here). If the **claims of the unnamed plaintiffs** in the class are **still viable**, then the **class action will not be dismissed** as moot. That is because, while the named plaintiff's *personal* claim has become moot, an actual case or controversy still exists for the unnamed plaintiffs' claims.

Here, the prisoner filed a class action in federal court, thereby serving as the named plaintiff. The prisoner's personal claim—that the commission's parole guidelines violate federal law—became moot when he was released from prison. However, an actual case or controversy still exists for the unnamed plaintiffs who have not been released (**Choice D**). Therefore, the court should deny the commission's motion to dismiss.

(Choice B) For a suit to be ripe for decision, the plaintiff must have experienced a real injury or an immediate threat thereof. Here, the prisoner suffered actual harm when the commission denied the prisoner's request for parole, so this suit *is* ripe for decision.

(Choice C) The **Eleventh Amendment** prohibits foreign governments and private parties from suing a *state* in federal court. It does not prohibit private parties from suing the *federal* government in federal court (as seen here).

Educational objective:

A federal court typically must dismiss a case when the plaintiff's claim becomes moot. However, one exception applies when (1) a plaintiff whose claim is moot is the named plaintiff in a certified class action and (2) the claims of the unnamed plaintiffs in that class action are still viable.

References

- U.S. Const. art. III, § 2 (case-or-controversy requirement).
- U.S. Parole Comm'n v. Geraghty, 445 U.S. 388, 404 (1980) (holding that federal courts must not dismiss a class action when the named plaintiff's claim becomes moot so long as the claims of the unnamed plaintiffs are viable).
- 32 Am. Jur. 2d Federal Courts § 575 (2020) (defining mootness and its exceptions).

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