

A federal statute provides states with funds to establish a disability benefits program. The statute requires a participating state to disburse the benefits to eligible applicants within one month after an application is approved. A commissioner of a State A agency that established a disability benefits program pursuant to the federal statute issued a regulation that delayed the disbursement of benefits until six months after an application is approved.

Hundreds of residents of State A whose disability benefits were delayed because of the regulation have filed a class action against the commissioner in federal district court, arguing that the regulation violates the federal statute. The residents seek retroactive damages for the payment of the withheld benefits to be paid by the state treasury and an injunction to compel payment of future benefits. The commissioner has moved to dismiss the action and alleges that the requested relief is a violation of the Eleventh Amendment.

Should the federal court hear the merits of the residents' suit?

- A. No, because the commissioner is immune from suit under the Eleventh Amendment.
- B. Yes, but only on the request for retroactive damages for the withheld benefits.
- C. Yes, but only on the request for the injunction to compel payment of future benefits.
- D. Yes, on both because the suit is not subject to the Eleventh Amendment.

Explanation:

Eleventh Amendment

(state immunity from suit in federal court)

Immunity	<ul style="list-style-type: none">• Suit brought by private party or foreign government• Suit against state official violating state law• Exceptions:<ul style="list-style-type: none">– State consents to suit– Immunity removed by 13th, 14th, or 15th Amendment– State official sued for injunctive or declaratory relief– Damages to be paid by state officer personally (not state treasury)– State official sued for prospective (not retroactive) damages to be paid by state treasury
No immunity	<ul style="list-style-type: none">• Suit brought by United States or other state• Suit against local government (eg, counties, municipalities)• Bankruptcy proceedings

The **Eleventh Amendment** generally bars private parties from suing a state in federal court without the state's consent. This immunity extends to suits against a state official for violating federal law when the state treasury, rather than the official, will be forced to pay damages that allegedly occurred before the action commenced (ie, retroactive damages). However, the Eleventh Amendment **does not prohibit suits against a state official** when:

- the **official will pay the damages** from his/her own pocket, which occurs when the official is sued for actions taken as an individual rather than as a government official *or*
- the suit **seeks a declaratory judgment or injunction**, even if such relief would force the state treasury to pay money in the future to comply with the court order (ie, prospective damages).

Here, the residents filed a class action in federal court against the state commissioner, arguing that the regulation delaying their disability benefits violates the federal statute. The court may hear their request for an injunction to compel payment of future benefits because such payments would constitute prospective damages (**Choice A**). However, the court may not hear the merits of their request for payment of the withheld benefits since such payments would constitute retroactive damages that would be paid by the state treasury (**Choices B & D**).

Educational objective:

The Eleventh Amendment bars suits against state officials for violating federal law when the state would pay retroactive damages. But it allows such suits when (1) the official will pay the damages or (2) the suit seeks declaratory or injunctive relief, even if the state would have to pay prospective damages under the court order.

References

- *Ex parte Young*, 209 U.S. 123, 159–60 (1908) (describing when the Eleventh Amendment does not bar suits in federal court against state officials for violations of federal law).
- *Edelman v. Jordan*, 415 U.S. 651, 675–77 (1974) (holding that actions for injunctive relief against state officials in federal court are limited to those that result in the future payment of monetary damages from the state treasury).
- 32A Am. Jur. 2d Federal Courts § 916 (2020) (explaining that the Eleventh Amendment bars citizens from suing state officials in federal court unless certain exceptions apply).