

The Supreme Court - February 25, 2021

Today, the Supreme Court of the United States issued the following decision:

Brownback v. King, No. 19-546: Under the Federal Tort Claims Act (“FTCA”), a plaintiff is allowed to bring certain state-law tort suits against the Federal Government in federal court. An FTCA claim is actionable if it alleges the six elements listed in 28 U.S.C. §1346(b) of the Act, and a federal court’s jurisdiction over the claim is correspondingly limited to claims “actionable under §1346(b).” The FTCA also has a provision known as the judgment bar, which provides that “[t]he judgment in an action under 1346(b)” serves as a “complete bar” on any action by the plaintiff against the employee on the same subject matter. 28 U.S.C. §2676. Here, respondent James King brought suit against the United States under the FTCA for a violent encounter with members of a federal task force, and also sued the officers individually (including petitioner Douglas Brownback) in a *Bivens* action for alleged violations of his Fourth Amendment rights. The District Court dismissed the FTCA claim on the basis that the officers were entitled to qualified immunity under Michigan law, and alternatively, that King’s complaint failed to state a plausible claim to relief under Rule 12(b)(6). The District Court also dismissed the *Bivens* claim on qualified immunity grounds. Only the *Bivens* claim was appealed, and the Sixth Circuit held as a threshold matter that the judgment bar did not block the *Bivens* claim because the dismissal of the FTCA went to the District Court’s subject matter jurisdiction. Today, the Court reversed, holding that the District Court’s order also went to the merits of the claim, and was thus a judgment on the merits that could trigger the judgment bar. Justice Thomas issued the Court’s unanimous opinion.

The Court’s decision is available [here](#).

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