

The Supreme Court - March 8, 2021

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

Uzuegbunam v. Preczewski, No. 19-968: Petitioner Chike Uzuegbunam, while attending Georgia Gwinnett College – a public college – sought to converse with students about his religion and hand out religious literature on campus. He was first told by campus police he could only do so on one of two designated “free speech expression areas” and with a permit. But even after Uzuegbunam followed these requirements, campus police told him to stop, citing people’s complaints about his speech. Uzuegbunam and another student who decided not to speak about religion because of these events brought a First Amendment claim seeking nominal damages and injunctive relief. The college responded by getting rid of the challenged policies and moved to dismiss the suit as moot. The District Court dismissed the case, holding that the students’ claim for nominal damages was insufficient by itself to establish standing, and the Eleventh Circuit affirmed. Today, the Court reversed, holding that because nominal damages were available at common law in analogous circumstances, a request for nominal damages satisfies the redressability element of standing where a plaintiff’s claim is based on a completed violation of a legal right. Justice Thomas issued the Court’s opinion. Chief Justice Roberts dissented.

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

Today, the Supreme Court of the United States granted certiorari in the following case:

Thompson v. Clark, No. 20-659: 1) Whether the rule that a plaintiff must await favorable termination before bringing a Section 1983 action alleging unreasonable seizure pursuant to legal process requires the plaintiff to show that the criminal proceeding against him has “formally ended in a manner not inconsistent with his innocence,” *Laskar v. Hurd*, 972 F.3d 1278, 1293 (11th Cir. 2020), or that the proceeding “ended in a manner that affirmatively indicates his innocence,” *Lanning v. City of Glens Falls*, 908

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F.3d 19, 22 (2d Cir. 2018); *see also Laskar*, 972 F.3d at 1293 (acknowledging 7-1 circuit conflict). 2) Where a Section 1983 plaintiff brings a Fourth Amendment claim for unlawful warrantless entry of his home and the government pursues a justification of exigent circumstances, does the government have the burden to prove exigency existed (as the Third, Sixth, Ninth and Tenth Circuits have held), or does the plaintiff have to prove its non-existence (as the Second, Seventh and Eighth Circuits have held).