

The Supreme Court Update - May 25, 2023

by Brock Huebner

Today, the Supreme Court of the United States issued three decisions:

Tyler v. Hennepin County, No. 22-166: This case involved the Fifth Amendment's "Takings Clause" in the context of seizing property to collect unpaid taxes. In this case, Hennepin County, Minnesota confiscated Geraldine Tyler's condo to satisfy her \$15,000 property tax debt, sold the condo at auction for \$40,000, and kept the \$25,000 surplus. The district court dismissed Tyler's claim that the County violated the Takings Clause, and the Eighth Circuit affirmed. Today, in a 9-0 decision authored by Chief Justice Roberts, the Court reversed and held that Tyler had stated a viable claim under the Takings Clause, relying on history, its precedents, and Minnesota law. The Court reasoned that the County "could not use the toehold of the tax debt to confiscate more property than was due," and by doing so, "it effected a classic taking in which the government directly appropriates private property for its own use." Justice Gorsuch filed a concurring opinion (joined by Justice Jackson) to address an issue the Court did not reach—whether Tyler also stated a claim that the County violated the Eighth Amendment's ban on excessive fines. The concurring justices explained that "even a cursory review" of the lower courts' Eighth Amendment analysis revealed "mistakes future lower courts should not be quick to emulate."

View the Court's [decision](#).

Sackett v. Environmental Protection Agency, No. 21-454: This case addressed the scope of the Clean Water Act ("CWA"), 33 U.S.C. § 1362(7). The Sacketts were blocked from building a home on their property after the EPA ruled that the land contained wetlands governed by the CWA. The EPA determined that the wetlands on the Sackett's property qualified as "waters of the United States" under the CWA because they were near a ditch that fed into a creek, that fed into a navigable lake. The Ninth Circuit upheld the EPA's determination after concluding the Sackett's wetlands had an "ecologically significant nexus" to traditional navigable waters. Today, the Court issued an opinion in

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which all Justices agreed in reversing the Ninth Circuit. Justice Alito (joined by Chief Justice Roberts and Justices Thomas, Gorsuch, and Barrett) authored the opinion of the Court and held that “waters” as defined by the CWA only applies to wetlands when they are adjacent to and “as a practical matter indistinguishable from” bodies of water that independently qualify as “waters of the United States.” Justice Thomas (joined by Justice Gorsuch) filed a concurring opinion noting that other jurisdictional terms in the CWA —“navigable” and “of the United States”—could also limit the reach of the CWA. The other four justices concurred only in the judgment and filed two separate opinions authored by Justice Kagan and Justice Kavanaugh offering alternative tests based on the CWA’s text.

View the Court's [decision](#).

Dupree v. Younger, No. 22-210: This civil procedure case addressed the issue of preserving legal issues for appeal. In this case, the district court rejected the defendant’s summary judgment argument that the plaintiff failed to exhaust administrative remedies. At trial, the defendant did not present evidence relating to his exhaustion defense, the jury found against the defendant, and the defendant did not file a post-trial motion related to exhaustion. On appeal, the Fourth Circuit held that the defendant could not challenge the district court’s exhaustion ruling because he did not renew the issue in a post-trial motion. Today, in a 9-0 decision authored by Justice Barrett, the Court held “that a post-trial motion under Rule 50 is not required to preserve for appellate review a purely legal issue resolved at summary judgment.” The Court remanded the case to the Fourth Circuit to “decide whether the issue [defendant] raised on appeal is purely legal.”

View the Court's [decision](#).