



Congressional Court Watcher: Recent Appellate Decisions of Interest to Lawmakers (April 11–April 17, 2022)

April 18, 2022

The federal courts issue hundreds of decisions every week in cases involving diverse legal disputes. This Sidebar series selects decisions from the past week that may be of particular interest to federal lawmakers, focusing on orders and decisions of the [Supreme Court](#) and precedential decisions of the courts of appeals for the [thirteen federal circuits](#). Selected cases typically involve the interpretation or validity of federal statutes and regulations, or constitutional issues relevant to Congress’s lawmaking and oversight functions.

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Decisions of the Supreme Court

The Supreme Court did not issue any opinions this past week, and it did not add any cases to the Court’s docket.

Decisions of the U.S. Courts of Appeals

Topic headings marked with an asterisk (*) indicate cases where the appellate court’s controlling opinion recognizes a split among the federal appellate courts on a key legal issue resolved in the opinion, contributing to a non-uniform application of the law among the circuits.

- **Bankruptcy:** The Fourth Circuit held that the standard for holding a creditor in civil contempt for attempting to collect a debt that has been immunized from collection under Chapter 7 of the Bankruptcy Code also applies when considering whether to hold a creditor in civil contempt for violating a plan for debt reorganization entered under Chapter 11 of the Code (*Beckhart v. Newrez LLC*).

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- ***Civil Liability:** A divided Ninth Circuit panel added to a circuit split over whether attorneys' fees may be considered when assessing the amount-in-controversy requirement for federal jurisdiction over Magnuson-Moss Warranty Act (MMWA) claims. The MMWA provides a cause of action for express or implied warranty claims under state law, but precludes federal jurisdiction if "the amount in controversy is less than the sum or value of \$50,000 (exclusive of interests and costs)." The majority construed the "amount in controversy" to cover all relief for which the plaintiff is entitled if the MMWA lawsuit succeeds. Joining the Seventh Circuit but disagreeing with four other circuits, the panel majority held that attorneys' fees may be considered in assessing the amount in controversy if such fees are available to prevailing plaintiffs pursuant to state fee-shifting statutes. Still, the majority held that attorneys' fees could not be included in the MMWA's amount in controversy for the present case because the plaintiff would not be entitled to fees under the relevant state law for his putative class action (*Shoner v. Carrier Corp.*).
 - **Civil Liability:** The Eleventh Circuit held that the Graves Amendment, which shields a motor vehicle owner from vicarious liability for harm caused by a person who rents or leases the vehicle, protects an automobile dealership's service department when it provides a vehicle to a customer while his or her car is being serviced (*Thayer v. Randy Marion Chevrolet Buick Cadillac, LLC*).
 - ***Criminal Law & Procedure:** Splitting from the Eleventh Circuit, a divided First Circuit panel held that, to be convicted under 18 U.S.C. § 924(a)(2) for "knowingly" violating 18 U.S.C. § 922(g), which prohibits nine categories of persons from possessing a firearm, the criminal defendant must have been aware not simply of the facts that qualified him for a proscribed category, but that he actually belonged to a proscribed category. The majority held that the lower court erred by failing to instruct the jury that, to be guilty, the defendant must have been aware that his prior conviction for simple assault following a no-contest plea fell into the relevant category that made him ineligible to possess a firearm—that is, that the offense constituted a misdemeanor crime of domestic violence (*United States v. Minor*).
 - **Criminal Law & Procedure:** The Eighth Circuit held that 18 U.S.C. § 1791(a)(2), which makes it a crime for an inmate to possess prohibited objects in prison, does not require the inmate to know the specific nature of the items he possessed, but only that the items were prohibited. The court affirmed the conviction of an inmate who had knowingly smuggled illicit substances and other contraband inside the prison, even though the defendant claimed he did not know what specific illicit substances he possessed (*United States v. Dozier*).
 - **Criminal Law & Procedure:** The Ninth Circuit agreed with a district court that a prisoner was ineligible to proceed *in forma pauperis* in a suit against a corrections officer because he did not satisfy a statutory exception allowing him to proceed. While the Prison Litigation Reform Act generally bars inmates from bringing civil actions without prepaying filing fees if they had three prior claims dismissed, the Act contains an exception if a prisoner is in imminent danger of serious physical injury. The Ninth Circuit joined several other circuits in concluding that this exception requires a nexus between the alleged imminent danger and the prisoner's complaint. The court held that the plaintiff did not satisfy this nexus, as the claim he alleged, unlawful mail tampering, was not connected to the alleged imminent danger he faced (*Ray v. Lara*).
 - **Environmental Law:** The Tenth Circuit upheld the U.S. Fish and Wildlife Service's designation of critical habitat for the New Mexico Meadow Jumping Mouse under the
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- Endangered Species Act (ESA). The panel held that the Service’s method for assessing the economic impacts associated with the designation complied with the ESA, and that the Service adequately considered other matters and did not abuse its discretion in excluding certain areas from the designation (*Northern New Mexico Stockman’s Ass’n v. U.S. Fish and Wildlife Service*).
- **Immigration:** The Sixth Circuit stayed implementation of a district court’s nationwide injunction that had blocked the Department of Homeland Security (DHS) from relying on portions of a Fall 2021 memorandum setting forth immigration enforcement priorities and guidance for immigration officers. The panel concluded that (1) the state governments challenging the memorandum likely lack standing to bring suit; (2) the memorandum was likely not considered final agency action subject to review under the Administrative Procedure Act; (3) the guidance’s detention and removal priorities did not contravene two immigration statutes because, although those statutes used mandatory language in discussing immigration officers’ arrest, detention, and removal responsibilities, those statutes did not displace DHS’s long-standing discretion in enforcing the nation’s immigration laws; and (4) beyond the likelihood that DHS would succeed on the merits in its legal defense of the policy, other factors supported staying the injunction, including the harm caused to DHS by interfering with its authority to exercise enforcement discretion and allocate resources consistent with executive priorities, and the comparatively minimal harm incurred by the state plaintiffs if the guidance was implemented (*Arizona v. Biden*).

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