

Congressional Court Watcher: Circuit Splits from June 2025

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The U.S. Courts of Appeals for the thirteen “circuits” issue thousands of precedential decisions each year. Because relatively few of these decisions are ultimately reviewed by the Supreme Court, the U.S. Courts of Appeals are often the [last word](#) on consequential legal questions. The federal appellate courts sometimes reach different conclusions on the same issue of federal law, causing a “split” among the circuits that leads to the nonuniform application of federal law among similarly situated litigants.

This Legal Sidebar discusses circuit splits that emerged or widened following decisions from June 2025 on matters relevant to Congress. The Sidebar does not address every circuit split that developed or widened during this period. Selected cases typically involve judicial disagreement over the interpretation or validity of federal statutes and regulations, or constitutional issues relevant to Congress’s lawmaking and oversight functions. The Sidebar includes only cases where an appellate court’s controlling opinion recognizes a split among the circuits on a key legal issue resolved in the opinion. This Sidebar refers to each U.S. Court of Appeals by its number or descriptor (e.g., “D.C. Circuit” for “U.S. Court of Appeals for the D.C. Circuit”).

Some cases identified in this Sidebar, or the legal questions they address, are examined in other CRS general distribution products. Members of Congress and congressional staff [may click here](#) to subscribe to the *CRS Legal Update* and receive regular notifications of new products and upcoming seminars by CRS attorneys.

- **Civil Procedure:** The Sixth Circuit widened a circuit split on whether a district court must exercise jurisdiction over a “mixed” legal action that seeks both coercive relief (i.e., damages or requiring or precluding specific action from another party) and declaratory relief (i.e., clarification of a party’s legal rights). Where federal courts have subject matter jurisdiction over coercive claims, they must exercise jurisdiction unless a traditional abstention doctrine applies. Under [28 U.S.C. § 2201\(a\)](#), courts have greater discretion to decline to exercise jurisdiction over claims seeking declaratory relief. The circuit panel held that, in a mixed legal action, the district court must generally exercise jurisdiction over the coercive claim but may still decline to exercise jurisdiction over the declaratory claim. However, the panel continued that it would likely be an abuse of discretion for a district court to decline to exercise jurisdiction over a declaratory claim involving the

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same legal issue as the coercive claim. The panel described its approach as similar to that taken by the [First Circuit](#) but differing from (1) the [Second](#), [Fourth](#), and [Fifth](#) Circuits, which recognize that a district court generally must exercise jurisdiction over the entire mixed legal action as a whole, so long as the coercive claim is not frivolous and a traditional abstention doctrine does not apply; (2) the [Third](#), [Seventh](#), and [Ninth](#) Circuits, which hold that a court may decline to exercise jurisdiction over an entire mixed action when the coercive claim is “dependent” on the declaratory claim; and (3) the [Eighth Circuit](#), which applies either the more or less permissive standard depending on whether the “essence of the suit” involves the declaratory claim or the coercive claim (*Fire-Dex, LLC v. Admiral Ins. Co.*).

- **Civil Procedure:** In a dispute over application of the [federal officer removal statute](#), the Ninth Circuit held that a federal district court’s remand of a case to state court is not automatically stayed while the defendant appeals the remand order. Under [28 U.S.C. § 1442](#), a suit brought in a state tribunal may be removed to federal court if it relates to a private person’s assistance to federal officers in the performance of their official duties. In this case, the federal district court concluded that the defendant had not satisfied the criteria for removal, ordered remand of the suit to state court, and denied the defendant’s request that the court stay its remand order pending appeal. The Ninth Circuit held that the district court appropriately exercised its discretion when denying the stay request. The panel rejected the defendant’s argument that the Supreme Court’s decision in *Coinbase, Inc. v. Bielski*, which mandates automatic stays for interlocutory appeals of arbitration denials, should apply in the federal officer removal context. The panel characterized its ruling as consistent with decisions of all reviewing courts except the [Fourth Circuit](#), which has extended *Coinbase*’s analysis to federal officer removal cases (*People by & through Harrison v. Express Scripts, Inc.*).
- **Civil Rights:** The D.C. Circuit affirmed a federal district court’s dismissal of claims of racial discrimination and a hostile work environment brought by an employee under [42 U.S.C. § 1981](#) and [Title VII of the Civil Rights Act of 1964](#). The panel concluded that the employee had not sufficiently alleged disparate treatment due to his race, where he merely stated that White workers received better work assignments and did not describe those workers’ assignments, experience, or qualifications to permit an inference that they were similarly situated except for their race. The panel noted disagreement with the [Seventh Circuit](#), which the panel described as allowing a claim of racial discrimination based on an allegation of different treatment due to race, without also having to plead specific facts in support (*Joyner v. Morrison & Foerster LLP*).
- **Criminal Law & Procedure:** The Fifth Circuit widened a circuit split over the ability of an appeals court to *sua sponte* decide whether a criminal defendant’s unconditional guilty plea waives any prior, non-jurisdictional challenges to the underlying criminal proceedings. The Fifth Circuit joined the [Ninth](#) and [Tenth](#) Circuits in holding that the government must timely invoke the waiver on appeal or else forfeit the benefit. The panel observed a split with the [Seventh Circuit](#), which recognizes that an appeals court can independently determine whether an unconditional guilty plea precludes review of a defendant’s challenge even if the government fails to invoke the waiver (*United States v. Riojas*).
- **Criminal Law & Procedure:** In affirming conditions imposed on a defendant pursuant to his criminal sentence, a divided Sixth Circuit panel considered the relationship between the district court’s oral pronouncement of a sentence and the subsequent written judgment. The defendant had entered a plea agreement that waived his right to challenge his criminal sentence, but alleged on appeal that the district court’s written judgment

- conflicted with the orally pronounced sentence. The panel held that the written judgment is merely evidence of the defendant's sentence, which is delivered by oral pronouncement. The panel joined the [Fourth](#) and [Seventh](#) Circuits in holding that a defendant's waiver of the right to challenge his criminal sentence does not preclude challenges to a district court's written judgment. The panel split from the [Fifth Circuit](#), which has held that the written judgment is part of a defendant's sentence and that the plea agreement therefore waives the ability of the defendant to challenge the judgment as inconsistent with the oral pronouncement. Turning to the merits, the panel upheld conditions set forth by the district court in its written judgment, concluding that they clarified rather than conflicted with the orally pronounced sentence (*United States v. Shaw*).

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