



# Congressional Court Watcher: Circuit Splits from April 2026

May 7, 2026

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 April 2026 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.

- **Bankruptcy:** The Fourth Circuit held that a [Chapter 13](#) plan’s technical compliance with the “means test” calculation of disposable income under [11 U.S.C. § 1325\(b\)](#) did not immunize the plan from the requirement in [Section 1325\(a\)](#) that the plan be proposed “in good faith,” as the two are separate, independent requirements. Chapter 13 debtors generally must devote their disposable income to paying unsecured creditors. Prior to 2005, bankruptcy courts evaluated the calculation of disposable income on a case-by-case basis, including whether claimed expenses were reasonably necessary. The [Bankruptcy Abuse Prevention and Consumer Protection Act \(BAPCPA\)](#) created the “means test,” providing a statutory formula for calculating the reasonably necessary expenses and disposable income of debtors with above-median income. Under [Section 1325\(b\)\(3\)](#) and [Section 707\(b\)\(2\)\(A\)\(iii\)](#), such debtors may deduct certain payments on secured debts

**Congressional Research Service**

<https://crsreports.congress.gov>

LSB11430

from their disposable income. The debtor in this case owned three luxury vehicles subject to secured loans. He proposed a Chapter 13 plan in compliance with the “means test” that would have paid off the secured loans on the vehicles but paid only 7.7% of his unsecured debts. The bankruptcy court, affirmed by the district court, determined that the plan did not meet the good faith requirement of Section 1325(a). The Fourth Circuit affirmed the lower courts’ ruling, rejecting the debtor’s argument that, after BAPCPA, the good faith inquiry cannot consider expenses claimed under the “means test.” The Fourth Circuit acknowledged that its approach differed from that of the [Ninth Circuit](#), which has held that the good faith analysis cannot consider a debtor’s retention of “luxury” items in compliance with the “means test” (*Goddard v. Burnett*).

- **Civil Procedure:** A divided Second Circuit panel affirmed the dismissal of a suit brought in federal court under state law against a federally chartered corporation, concluding that federal courts lacked subject-matter jurisdiction over the case. By [statute](#), federal courts have “diversity jurisdiction” to hear certain civil suits arising under state law that exceed a certain monetary value when there is “diversity” of citizenship among the parties—for example, the parties are citizens of different states. In [28 U.S.C. § 1332\(c\)\(1\)](#), Congress provided that a corporation generally “shall be deemed to be a citizen of every State and foreign state by which it has been incorporated *and* of the State or foreign state where it has its principal place of business . . .” (italics added). The panel majority disagreed with the [Fourth Circuit](#), which has read the connecting “and” in Section 1332(c) to mean that either condition is sufficient for diversity jurisdiction analysis, so that a federally chartered corporation would be treated as a citizen of the state of its principal place of business for purposes of evaluating whether diversity existed. By contrast, considering the text and legislative history of Section 1332(c)(1), the Second Circuit panel majority instead concluded that the “and” connecting the two clauses serves to limit the provision’s application only to those corporations that have both a state of incorporation and a state that serves as its principal place of business. Because federally chartered corporations are not incorporated by a U.S. or foreign state, the majority concluded that Section 1332(c) did not provide a mechanism for federal courts to exercise diversity jurisdiction over them (*Schneiderman v. Am. Chem. Soc’y*).
- **Civil Procedure:** The Ninth Circuit held that postjudgment interest on an award of attorneys’ fees began to accrue when a district court entered a judgment awarding fees, not when the district court earlier approved a settlement that created a legal entitlement to attorneys’ fees. Under [28 U.S.C. § 1961](#), “[i]nterest shall be allowed on any money judgment” in civil cases and that “interest shall be calculated from the date of the entry of the judgment.” In this case, a [relator](#) settled a [False Claims Act](#) (FCA) suit. Under the [FCA](#), relators who win or settle an FCA claim are entitled to reasonable attorneys’ fees, but the FCA does not address postjudgment interest. The Ninth Circuit held that a “money judgment” triggering interest requires a definite and certain designation of the amount owed (in addition to identified parties), rejecting the relator’s argument that interest should begin to accrue when a party secures an unconditional entitlement to attorney’s fees. In so holding, the Ninth Circuit concurred with the [Third](#), [Seventh](#), and [Tenth](#) Circuits, and disagreed with the [Fifth](#), [Sixth](#), [Eighth](#), [Eleventh](#), and [Federal](#) Circuits. The Ninth Circuit reasoned that the text of Section 1961 is conclusive, rejecting the policy and equitable concerns relied on by some other circuits (*United States ex rel. Thrower v. Acad. Mortg. Corp.*).
- **Civil Procedure:** The Ninth Circuit affirmed a lower court’s dismissal of a suit seeking to compel the release of a statewide list of registered voters, but rejected arguments that plaintiffs lacked [constitutional standing](#) to sue, where the plaintiffs’ injury was premised

on the denial of information to which they were allegedly entitled under the [National Voter Registration Act \(NVRA\)](#). The plaintiffs alleged that the State of Hawaii violated [Section 20507\(i\)\(1\)](#) of the NVRA by failing to disclose state voter registration data. On the merits, the panel split with the [First Circuit](#) and held that [Section 20507\(i\)\(1\)](#) does not provide plaintiffs with a right to voter registration lists, but does entitle them to information about state efforts to ensure those lists' accuracy. Before reaching that decision, however, the circuit court considered whether the denial of information under the NVRA and other government sunshine laws (i.e., laws requiring the disclosure of government information on request) constitutes a concrete injury providing standing to bring suit. The Ninth Circuit panel held that it does, relying on the Supreme Court's decisions in *Federal Elections Commission v. Akins* and *Public Citizen v. U.S. Department of Justice*, in which the Court held that the denial of a request for information made available by a sunshine law gave rise to a cognizable injury. The panel disagreed with the [Fifth](#) and [Sixth](#) Circuits, which read the Supreme Court's later decision in *TransUnion LLC v. Ramirez* as requiring plaintiffs bringing suit under information-disclosure statutes to show adverse consequences resulting from the denial of information. The Ninth Circuit decided that *TransUnion* did not address government sunshine laws or abrogate earlier caselaw concerning standing to bring suit in such cases. The panel also split with the [Third Circuit](#), which held that a denial of an information request under the NVRA is not the type of information denial that supports standing under *Akins* and *Public Citizen* (*Pub. Int. Legal Found, Inc. v. Nago*).

- **Firearms:** Vacating a lower court's preliminary injunction, the First Circuit allowed the State of Maine to enforce a 72-hour waiting period requirement before a seller could deliver a firearm to a purchaser, holding that the law did not facially violate the [Second Amendment](#). The panel observed that its analysis of the law's compatibility with the Second Amendment was governed by the framework set forth by the Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen*, which first looks at whether the conduct regulated by the challenged law is covered by the plain text of the Second Amendment and, if so, requires the government to prove that the law is consistent with the nation's historical firearms tradition. The First Circuit decided the case at step one of the *Bruen* framework, holding that the state's waiting period requirement was not covered by the plain text of the Second Amendment. The panel reasoned that the text of the Second Amendment protects a person's right to have and carry firearms, whereas state laws regulating the purchase or acquisition of firearms concerned conduct antecedent to that right. The panel described lower courts as split on when or whether laws regulating the purchase of firearms violated the Second Amendment, including a [Tenth Circuit](#) decision that found that a seven-day waiting period likely was unconstitutional (*Beckwith v. Frey*).
- **Immigration:** The Second Circuit held that an alien taken into immigration custody after having unlawfully entered the country years earlier could not be treated as an "applicant for admission" subject to detention without bond during the pendency of removal proceedings. In many cases, an alien [may be released](#) from custody on bond or on his or her own recognizance during the pendency of removal proceedings. Except in narrow circumstances, however, [8 U.S.C. § 1225\(b\)\(2\)\(A\)](#) directs that "in the case of an alien who is an *applicant for admission*, if the examining immigration officer determines that an *alien seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained [during removal proceedings]" (italics added). A separate provision, [Section 1225\(a\)\(1\)](#), provides that an alien "present in the United States who has not been admitted" shall be treated as an "applicant for admission," but does not

provide any corresponding specification on who is treated as an “alien seeking admission.” The Second Circuit agreed with the [Seventh Circuit](#) that the two terms are not coextensive, and that an “alien seeking admission” under Section 1225(b)(2)(A) includes only those aliens not lawfully admitted who are encountered at the border, and not those found unlawfully present within the United States. The panel noted its disagreement with the [Fifth](#) and [Eighth](#) Circuits, which have treated “applicant for admission” and “alien seeking admission” as synonymous terms, meaning that aliens present in the United States but not lawfully admitted are subject to mandatory detention under Section 1225(b)(2)(A) (*Cunha v. Freden*).

- **Labor & Employment:** The Second Circuit revived unseaworthiness and maritime negligence claims brought by a former volunteer firefighter injured while traveling on a boat owned by the defendant fire district. Under the warranty of seaworthiness, vessel owners have a duty to furnish a vessel reasonably fit for its intended use. In a 1946 decision, *Seas Shipping Co. v. Sieracki*, the Supreme Court extended this duty beyond employed seamen to non-seamen working on the vessel and doing seamen’s work. In 1972, Congress amended the [Longshore and Harbor Workers’ Compensation Act](#) (LHWCA) to increase benefits payable to workers covered by that Act, but also to eliminate those workers’ ability to bring a claim for unseaworthiness. The firefighter was not a seaman and, as a public employee, was not eligible for LHWCA compensation. Circuit courts have split on whether non-seamen excluded from the LHWCA may still bring an unseaworthiness claim under *Sieracki* after the LHWCA amendments. The Second Circuit held that such claims are possible, agreeing with the [Fifth](#) and [D.C.](#) Circuits, and disagreeing with the [Ninth Circuit](#). Separately, the Second Circuit held that the firefighter could pursue a federal negligence claim under general maritime law even though he had received benefits under a state law that provides that its remedies are exclusive of all other remedies against an employer. Weighing complex precedents regarding federalism and admiralty law, the Second Circuit held that courts must balance state and federal interests. In adopting a balancing-test approach, the Second Circuit concurred with the [Eleventh Circuit](#) and disagreed with the [Third](#) and [Fifth](#) Circuits, which have adopted a categorical rule in favor of federal maritime remedies. Applying balancing, the court concluded that the firefighter might be able to prove maritime negligence claims that could not be barred by state law. The Second Circuit vacated the district court’s dismissal of the firefighter’s claims and remanded for further proceedings (*In re Verplanck Fire Dist.*).
- **Labor & Employment:** A divided D.C. Circuit held that the Mine Safety and Health Administration (MSHA) has jurisdiction over certain facilities even when they are not located at an extraction site, processing plant, or related road. Under [30 U.S.C. § 802\(h\)\(1\)](#), a “mine” subject to MSHA jurisdiction includes extraction sites (Section 802(h)(1)(A)); related roads (Section 802(h)(1)(B)); and a list of items and places, including “facilities,” that are used in, to be used in, or resulting from mining-related activity (Section 802(h)(1)(C)). An MSHA inspector issued citations to an independent trucking company for improper safety conditions in the repair of mining-related trucks at a separate facility. The Federal Mine Safety and Health Review Commission vacated the citations and the Secretary of Labor, through the MSHA, petitioned for D.C. Circuit review. In 2023, the same panel majority [held](#) that the statutory definition of “mine” was ambiguous and would have remanded the case to permit the Secretary to offer an interpretation of the text that would then be entitled to [Chevron deference](#). The Supreme Court [vacated](#) that decision in light of *Loper Bright Enterprises v. Raimondo*. Returning to the D.C. Circuit, the Secretary argued that the list in Section 802(h)(1)(C) is defined

functionally without a locational limit, while the trucking company argued for a narrow geographical limit. The panel majority rejected both interpretations as inconsistent with the text, context, and legislative history of the statute. It instead held that a “facility” is a “mine” when it is “necessarily connected with the use and operation of extracting, milling, or processing coal and other minerals,” and that, without determining the outer limits of that definition, the trucking company facility at issue was covered. In rejecting a narrower locational limit, the D.C. Circuit panel majority split with the [Sixth Circuit](#). The panel majority separately held that the roles of the MSHA and the Commission in the case did not create an [Article III justiciability](#) concern (*Sec’y of Labor v. KC Transport, Inc.*).

## Author Information

Michael John Garcia  
Deputy Assistant Director/ALD

Alexander H. Pepper  
Legislative Attorney

---

## Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.