



Civil Procedure at the Supreme Court: Selected Cases from the October 2025 Term

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During the [October 2025 Term](#) to date, the Supreme Court has considered multiple cases focused on procedural issues. Among them, as discussed in order below, are cases about the relationship between federal and state procedural rules, the timing of motions for relief from judgment, federal court diversity jurisdiction, sovereign immunity, removal of cases from state to federal court, and constitutional requirements related to standing to sue.

Congress has the power to enact legislation to regulate proceedings in federal courts. Thus, these cases may be of interest to Congress because Congress could amend the specific statutes or rules at issue in these cases or could look to the rulings as guidance on how the Court might interpret related legislation in the future. This Legal Sidebar provides an overview of seven civil procedure cases from the Supreme Court’s October 2025 term, listed chronologically by date of decision, then briefly discusses related considerations for Congress.

Berk v. Choy

In [Berk v. Choy](#), the Supreme Court held that a state law—Delaware’s law requiring that medical malpractice complaints must be dismissed unless accompanied by expert affidavits—cannot apply in federal court because it conflicts with a valid federal procedural rule.

Federal courts hearing cases involving state law claims between parties from different states, known as [diversity](#) cases, apply [federal procedural law](#) and [state substantive law](#), “except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide.” After suffering complications from an ankle fracture, plaintiff-petitioner Harold R. Berk filed a medical negligence complaint in Delaware federal court against the treating physician and his employer. Under [Delaware law](#), a plaintiff filing a medical malpractice claim must include an affidavit from a qualified expert stating that “there are reasonable grounds to believe that there has been health-care medical negligence committed by each defendant.” Berk was unable to comply with the affidavit requirement, and the district court dismissed the case. The U.S. Court of Appeals for the Third Circuit (Third Circuit) [affirmed](#) the dismissal, holding that the affidavit requirement is substantive rather than procedural.

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The Supreme Court granted Berk’s petition for a writ of certiorari, held [oral argument](#) in the case on October 6, 2025, and issued a [decision](#) on January 20, 2026. With Justice Barrett writing for an eight-Justice majority, the Court reversed the Third Circuit. It [held](#) that the Delaware affidavit requirement cannot apply in federal court because it conflicts with [Federal Rule of Civil Procedure \(FRCP\) 8](#), which requires that a complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief” and thus “establishes ‘implicitly, but with unmistakable clarity,’ . . . that evidence of the claim is not required.” It further [held](#) that [FRCP 12](#) “reinforces the point” by prohibiting federal courts from considering “matters outside the pleadings” when ruling on motions to dismiss. In so ruling, the Court [reaffirmed](#) a prior holding that it does not matter if a displaced state law is substantive, as long as the federal law that conflicts with it is procedural, as FRCP 8 is.

Justice Jackson [concurred in the judgment](#). She agreed with the majority that the affidavit requirement conflicts with federal law but wrote separately to argue that it conflicts with [FRCP 3](#), governing when a civil action is deemed to be “commenced,” and FRCP 12, governing grounds for dismissal, not FRCP 8.

Coney Island Auto Parts Unlimited v. Burton

Coney Island Auto Parts Unlimited v. Burton concerned the timing of motions for relief from judgment under FRCP 60. The Court held that the requirement in FRCP 60(c)(1) that parties make motions within a “reasonable time” applies to a motion to set aside a default judgment that is void for lack of personal jurisdiction pursuant to FRCP 60(b)(4).

In 2014, Coney Island Auto Parts Unlimited (Coney Island) was subject to an adversarial proceeding in bankruptcy court for unpaid invoices. Coney Island allegedly received insufficient service of process and did not appear in the adversarial proceeding, and a [default judgment](#) was entered against it. In 2021, following other attempts to collect, a marshal seized funds from Coney Island’s bank account to satisfy the default judgment. Coney Island then filed an FRCP 60(b) motion in the bankruptcy court, arguing the failure of service rendered the default judgment void. The bankruptcy court denied the motion, holding that Coney Island failed to bring it within a “reasonable time,” and the U.S. Court of Appeals for the Sixth Circuit (Sixth Circuit) [affirmed](#).

The Supreme Court granted certiorari and held [oral argument](#) in the case on November 4, 2025. In a January 20, 2026, [opinion](#) authored by Justice Alito and joined by seven other Justices, the Supreme Court affirmed the judgment of the Sixth Circuit. The Court [explained](#) that several other appeals courts had held that the “reasonable time” requirement did not apply to motions alleging that a judgment is void because a “void judgment is a legal nullity,” but rejected that interpretation as [contrary to the text of FRCP 60](#) and [lacking a limiting principle](#) that would prevent parties from alleging vagueness at any time. While [agreeing](#) that “the passage of time cannot cure voidness,” the majority stated that this is true of many types of legal errors, but statutes and rules routinely impose time limits for correcting such errors. To avoid application of the time limit, a party would need to “show that some principle of law, such as the Due Process Clause, gives a party the right to allege voidness at any time.” Coney Island had not attempted to make that argument, and the Court [stated](#) that it would be “hard to accept.” The Court also [rejected](#) arguments made by Coney Island that were rooted in historical practice, policy concerns, FRCP 60’s drafting history, and the canon of constitutional avoidance, concluding that those interpretive tools did not carry weight where, as here, the rule’s language is unambiguous.

Justice Sotomayor [concurred in the judgment](#), objecting that the majority “unnecessarily opines on the potential validity of a constitutional challenge to the ‘reasonable time’ limit under the Due Process Clause.”

Hain Celestial Group v. Palmquist

In *Hain Celestial Group v. Palmquist*, the Supreme Court held that a district court’s final judgment must be vacated if it is later determined that the court improperly exercised diversity jurisdiction after erroneously dismissing a nondiverse party.

Plaintiffs-respondents Sarah and Grant Palmquist sued the Hain Celestial Group (Hain) and Whole Foods Market, Inc. (Whole Foods) in Texas state court, alleging that their child was injured by toxic heavy metals in baby food produced by Hain and sold at Whole Foods. Hain removed the case to federal court based on diversity of citizenship. As background, the Constitution grants federal courts limited jurisdiction over [specified classes](#) of cases and controversies, including [diversity cases](#) between parties from different states. Federal court diversity jurisdiction is also defined in a statute, [28 U.S.C. § 1332](#), which has been interpreted to require complete diversity of citizenship—that is, no defendant may be from the same state as any plaintiff. At the time of removal, the parties in *Hain* were not completely diverse because the Palmquists and Whole Foods were citizens of Texas. However, Hain argued that Whole Foods had been improperly joined and should be dismissed as a defendant. The district court agreed. After dismissing Whole Foods, the court exercised diversity jurisdiction over the case and ultimately granted Hain’s motion for judgment as a matter of law on all claims. The Palmquists appealed, and the U.S. Court of Appeals for the Fifth Circuit (Fifth Circuit) [reversed](#), holding that Whole Foods was properly joined, so the district court lacked diversity jurisdiction and the judgment must be vacated.

The Supreme Court granted Hain and Whole Foods’ petition for a writ of certiorari, held [oral argument](#) in the case on November 4, 2025, and issued a [decision](#) on February 24, 2026. Writing for the unanimous Court, Justice Sotomayor [explained](#) that an appellate court must generally vacate a district court’s judgment if the district court lacked jurisdiction at the time a case was filed, unless the district court “cures” a jurisdictional defect prior to final judgment. While the Supreme Court had previously [held](#) that the dismissal of a nondiverse defendant can cure a jurisdictional defect, the Court in *Hain* held that the *erroneous* dismissal of a nondiverse defendant cannot do so. Because diversity jurisdiction did not exist at the time of removal and “the jurisdictional defect lingered through judgment,” the Court [held](#) that the district court’s judgment must be vacated.

Justice Thomas joined the majority opinion in full and wrote a separate [conurrence](#) to express his “skepticism of the doctrine of ‘improper joinder,’” which he said “appears to allow federal courts to enlarge their jurisdiction by assessing the merits of claims over which they lack jurisdiction.”

The GEO Group v. Menocal

In *The GEO Group v. Menocal*, the Court held that an order denying a government contractor’s claim of derivative sovereign immunity is not immediately appealable under the collateral-order doctrine.

In the 1940 case *Yearsley v. W. A. Ross Constr. Co.*, the Supreme Court held that a federal contractor cannot be held liable for conduct that the government has lawfully “authorized and directed” the contractor to perform. Defendant-petitioner GEO Group (GEO) operates a private detention facility under a contract with U.S. Immigration and Customs Enforcement (ICE). Plaintiff-respondent Alejandro Menocal was detained in the facility in 2014 and later filed a class action on behalf of himself and other detainees challenging certain policies under which detainees performed work such as cooking and cleaning within the facility. GEO moved to dismiss under *Yearsley*, arguing that its contract with ICE “authorized and directed” it to implement the challenged policies. The district court denied the motion, allowing the case to proceed to trial. GEO filed an immediate appeal challenging the denial of the motion to dismiss, and the U.S. Court of Appeals for the Tenth Circuit (Tenth Circuit) [dismissed](#) the appeal for lack of jurisdiction, holding that the denial of dismissal was an unappealable nonfinal order.

The Supreme Court granted GEO's petition for certiorari, held [oral argument](#) in the case on November 10, 2025, and issued a [decision](#) on February 25, 2026, affirming the judgment of the Tenth Circuit and remanding for further proceedings. Justice Kagan authored the majority opinion, which six other Justices joined in full and Justice Thomas joined in part. In general, federal appeals courts possess jurisdiction over final orders of district courts that fully resolve the cases in question. Under a line of cases beginning with *Cohen v. Beneficial Industrial Loan Corp.*, however, a small class of nonfinal "collateral orders" are immediately appealable if they "(1) [conclusively](#) determine the disputed question, (2) resolve an important issue completely separate from the merits of the action, and (3) [are] effectively unreviewable on appeal from a final judgment." For claims like GEO's, the Court [opined](#), the analysis hinges on "whether the defendant has asserted a defense to liability" on the merits, which could properly be evaluated at trial, "or instead an immunity from suit," which would entail a right not to go to trial at all. Concluding that *Yearsley* immunity is a defense on the merits because it depends on the legality of the defendant's conduct, the Court [held](#) that the case failed the third prong of the *Cohen* test because any error could be effectively corrected on appeal, so the denial of dismissal was not immediately appealable.

Justice Thomas concurred in part and [concurred in the judgment](#). He wrote separately to argue that "[t]he *Cohen* collateral-order doctrine, which allows federal courts to exercise appellate jurisdiction over certain interlocutory orders, conflicts with Congress's authority over federal appellate jurisdiction." Justice Alito [concurred](#) in the judgment, but would instead have held that the denial of dismissal was unappealable because "postponing appellate review of *Yearsley* issues until final judgment would not imperil important constitutional or public-policy interests."

Chevron USA Inc. v. Plaquemines Parish

In *Chevron USA Inc. v. Plaquemines Parish*, the Supreme Court held that a case against a corporation could be removed from state to federal court under 28 U.S.C. § 1442(a)(1), which, in relevant part, allows removal if a suit "is against or directed to . . . any officer (or any person acting under that officer) of the United States or of any agency thereof . . . relating to any act under color of such office."

During World War II, a predecessor of Chevron USA, Inc. (Chevron), entered into a contract with the United States to refine aviation gasoline (avgas). Some crude oil that Chevron produced in Plaquemines Parish, LA, was used to produce avgas subject to the contract. In 1978, Louisiana enacted the State and Local Coastal Resources Management Act, which prohibits certain uses of Louisiana's coastal zone, including oil production, unless the user first obtains a permit. The act exempts from the permit requirement "[i]ndividual specific uses legally commenced or established prior to the effective date of the coastal use permit program."

In 2013, several Louisiana parishes filed multiple suits in Louisiana state court against Chevron and other oil and gas companies, alleging that the companies lacked permits for their use of the coastal zone and that some of their activities that began before the permit program took effect were illegally commenced and thus not eligible for the exception to the permit requirement. With respect to Chevron, the parishes filed an expert witness report identifying certain allegedly illegal activities related to oil production during World War II. Chevron removed the suit against it to federal court, arguing that the suit pertained to its duties to refine avgas during the war. The district court rejected that argument and remanded the case to state court. The Fifth Circuit [affirmed](#), holding that while Chevron did "act[] under" a federal officer, it had not shown that that the suit was "for or relating to" those acts.

The Supreme Court granted Chevron's petition for a writ of certiorari, held [oral argument](#) in the case on January 12, 2026, and issued a [decision](#) on April 17, 2026. Justice Thomas authored the majority opinion joined by six other Justices (Justice Alito did not participate in the case). Before the Supreme Court, it was undisputed that Chevron had "act[ed] under" a federal officer. The only question was whether the suit was "for or relating to" the company's wartime production of crude oil and avgas pursuant to its contract

with the government. The Court [held](#) that “Chevron’s wartime crude-oil production was closely connected to its wartime avgas refining, so the parish’s suit challenging that crude-oil production relates to that refining.” [Explaining](#) that “a removing defendant need not show that his federal duties specifically required or strictly caused the challenged conduct,” and [rejecting](#) the contention that the suit was insufficiently related to the government contract because “Chevron’s refining contract did not specify *how* to obtain or produce crude oil,” the Court [held](#) that the case was removable because “Chevron has plausibly alleged a close relationship between its challenged conduct and the performance of its federal duties—not a tenuous, remote, or peripheral one.”

Justice Jackson argued for a “causal nexus between the targeted conduct and the federal duties” but [concurred in the judgment](#) saying Chevron satisfied that more stringent standard.

Enbridge Energy, LP v. Nessel

In *Enbridge Energy, LP v. Nessel*, the Supreme Court considered another removal statute, 28 U.S.C. § 1446(b)(1), and held that the deadline for removal under that statute was not subject to equitable tolling.

[Several federal statutes](#) specify the circumstances in which cases filed in state court may be removed to federal court, and 28 U.S.C. § 1446 lays out the procedures that apply to such removals. Among other things, and subject to several exceptions, Section 1446 provides that a notice of removal must be filed within 30 days after the defendant receives notice of a suit.

Enbridge Energy LP and two affiliates (collectively, Enbridge) [operate an oil and gas pipeline](#) that runs through Michigan. In 2019, the Michigan Attorney General sued Enbridge in Michigan state court, arguing that Enbridge’s operation of the pipeline violated state law. The Attorney General served Enbridge with the complaint on July 12, 2019, and Enbridge initially litigated the case in state court, arguing, among other things, that the Attorney General’s state-law claims were preempted by federal law. In 2020, the Governor of Michigan filed an additional state-court suit against Enbridge. Enbridge removed that case to federal court, and the parties agreed to hold the Attorney General’s suit in abeyance pending disposition of the Governor’s suit. The district court denied the Governor’s motion to remand to state court, and the Governor ultimately voluntarily dismissed her suit. On December 15, 2021, 887 days after the company received the Attorney General’s complaint, Enbridge removed the Attorney General’s suit to federal court. The Attorney General moved to remand to state court, and the district court denied the motion. On appeal, the Sixth Circuit [reversed](#), holding that Enbridge had missed the deadline for removal and the deadline in Section 1446(b) could not be extended via equitable tolling.

The Supreme Court granted Enbridge’s petition for certiorari, held [oral argument](#) in the case on February 24, 2026, and issued a [decision](#) on April 22, 2026. In a unanimous opinion by Justice Sotomayor, the Court affirmed the holding that courts cannot equitably toll the deadline for removal in Section 1446(b). The Court first [held](#) that the removal deadline in Section 1446(b) was [not jurisdictional](#), meaning that it could potentially be subject to equitable exceptions, and [assumed](#) that the provision functioned as a statute of limitations, meaning that there was a presumption that it was subject to equitable tolling. The Court held, however, that such tolling was unavailable in light of the [text and structure](#) of Section 1446(b), the [broader statutory scheme](#) governing removal, and the fact that allowing tolling would undermine [Congress’s goal](#) of resolving removal issues early in litigation.

First Choice Women’s Resource Centers, Inc. v. Davenport

In *First Choice Women’s Resource Centers, Inc. v. Davenport*, the Supreme Court held that a nonprofit organization has [standing](#) to bring a federal-court challenge to a subpoena seeking information about its donors.

First Choice Women’s Resource Centers, Inc. (First Choice) is a nonprofit that operates “[faith-based pregnancy centers](#)” with a “[pro-life mission](#).” First Choice does not perform or provide referrals for abortions. In 2022, citing concerns that pregnancy centers like First Choice’s might have misled visitors or donors, New Jersey Attorney General Matthew Platkin issued a subpoena to First Choice seeking, among other things, the names and contact information of many individuals who had made donations to First Choice. (Platkin was the original defendant in the federal court litigation. In 2026, Jennifer Davenport [succeeded](#) Platkin as the state’s Attorney General and was substituted as the respondent in the Supreme Court case. This Legal Sidebar refers to both incumbents as the “Attorney General.”)

First Choice concurrently opposed the subpoena in state court and filed suit in federal district court pursuant to [42 U.S.C. § 1983](#) (Section 1983). In federal court, the organization argued that the subpoena violated its First Amendment right to free association and moved for a preliminary injunction barring enforcement of the subpoena. The district court twice denied the motion for an injunction and dismissed First Choice’s complaint, holding that the dispute was not ripe for adjudication in federal court. A divided panel of the Third Circuit [affirmed](#) the second dismissal, holding that First Choice’s claims were not ripe because the organization did “not yet show enough of an injury.” The majority further stated, “We believe that the state court will adequately adjudicate First Choice’s constitutional claims, and we expect that any future federal litigation between these parties would likewise adequately adjudicate them.” The Supreme Court then granted First Choice’s petition for a writ of certiorari. The Court held [oral argument](#) on December 2, 2025. The United States filed an [amicus curiae brief](#) in support of First Choice and also participated in oral argument as amicus curiae.

The Supreme Court issued its decision in *First Choice* on April 29, 2026. Justice Gorsuch authored the [opinion](#) of the unanimous Court, [holding](#) that the Attorney General’s subpoena itself caused First Choice an injury in fact sufficient to establish Article III standing. The Court relied on cases including its 1958 decision in *NAACP v. Alabama ex rel. Patterson*, in which it held that “compelled disclosure of affiliation with groups engaged in advocacy” can “constitute a[n] effective . . . restraint on freedom of association.” “Against this backdrop,” the Court [held](#), “the question before us all but answers itself. First Choice has established a present injury to its First Amendment associational rights.” It [explained](#) that an injury in fact need not be “a tangible harm to a plaintiff, like a physical injury or monetary loss. It can also arise when a defendant burdens a plaintiff’s constitutional rights. . . . And our cases have long recognized that demands for a charity’s private member or donor information have just that effect.” Having so held, the Court [declined to address](#) First Choice’s alternative argument that it faced an imminent future injury because there was a credible threat that the Attorney General would seek to enforce the subpoena in state court if the group failed to comply.

Considerations for Congress

In addition to the foregoing cases, other matters from the Supreme Court’s October 2025 term raise questions related to federal court jurisdiction and procedures. In *Jules v. Andre Balazs Properties*, the Court is considering the jurisdiction of federal courts to confirm or vacate certain arbitration proceedings. In *T. M. v. University of Maryland Medical System Corp.*, the Court is considering whether the *Rooker-Feldman doctrine*, which prohibits federal district courts from reviewing final decisions of state courts, also prohibits review of a state-court decision that remains subject to further state-court review. As discussed in another [Legal Sidebar](#), this term and recent terms have generated discussion around the Court’s nonmerits docket, particularly the Court’s handling of requests for emergency relief.

Generally, Congress has substantial authority to regulate federal court jurisdiction and procedures, subject to some constitutional limits. More specifically, [procedural rules](#) for the lower federal courts are generally set by the Supreme Court, subject to review by Congress, but Congress can also directly amend the rules via legislation. Thus, Congress could amend the FRCP at issue in the cases discussed above. CRS has not identified proposals in the 119th Congress that would amend those specific rules, but there are introduced

proposals that would amend [FRCP 11](#), which governs sanctions for misconduct in litigation, and [FRCP 23](#), which governs class actions.

With respect to jurisdiction, some grants of federal court jurisdiction and limits on that jurisdiction come directly from the [Constitution](#), but within the applicable constitutional limits, Congress sets the jurisdiction of the federal courts by statute. Thus, because the Court's decision in *First Choice* rested on interpretation of Article III, Congress could not directly overturn that holding by legislation (nor could Congress legislate to alter the [First Amendment](#) principles at issue in the underlying litigation). However, Congress could amend [Section 1983](#), the federal statute that provides a cause of action for violations of constitutional rights such as those alleged by First Choice. Congress could also amend the diversity jurisdiction statute—[28 U.S.C. § 1332](#)—or the [federal removal statutes](#).

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