

23-7809 GUTIERREZ V. SAENZ

DECISION BELOW: 93 F.4th 267

LOWER COURT CASE NUMBER: 21-70009

QUESTION PRESENTED:

In *Reed v. Goertz*, 598 U.S. 230, 234 (2023), this Court held that Rodney Reed has standing to pursue a declaratory judgment that Texas's post-conviction DNA statute was unconstitutional because "Reed suffered an injury in fact," the named defendant "caused Reed's injury," and if a federal court concludes that Texas's statute violates due process, it is "substantially likely that the state prosecutor would abide by such a court order."

In this case, a divided panel of the United States Court of Appeals for the Fifth Circuit refused to follow that ruling over a dissent that recognized that this case was indistinguishable from *Reed*. The majority formulated its own novel test for Article III standing, which requires scouring the record of the parties' dispute and any legal arguments asserted, to predict whether the defendants in a particular case would actually redress the plaintiff's injury by complying with a federal court's declaratory judgment. *Gutierrez v. Saenz*, 93 F.4th 267, 274 (5th Cir. 2024).

The Fifth Circuit's new test conflicts with *Reed* and creates a circuit split with the United States Courts of Appeals for the Eighth and Ninth Circuits, which have applied the standing doctrine exactly as this Court directed in *Reed*. See *Johnson v. Griffin*, 69 F.4th 506 (8th Cir. 2023); *Redd v. Guerrero*, 84 F.4th 874 (9th Cir. 2023). The question presented is:

Does Article III standing require a particularized determination of whether a specific state official will redress the plaintiff's injury by following a favorable declaratory judgment?

CERT. GRANTED 10/4/2024