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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY *v.* STEWART, COMMISSIONER, VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 09–529. Argued December 1, 2010—Decided April 19, 2011

Together, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) and the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI Act) offer States federal money to improve, *inter alia,* medical care for persons with developmental disabilities or mental illness. As a condition of funding, a State must establish a protection and advocacy (P&A) system "to protect and advocate [those individuals'] rights." 42 U. S. C. §15043(a)(1). A participating State may appoint either a state agency or a private nonprofit entity as its P&A system, but if a state agency it must have authority to litigate and freedom from the control of other state agencies or officers. Virginia has appointed an independent state agency, petitioner Virginia Office for Protection and Advocacy (VOPA), authorizing it to litigate to secure disabled individuals' rights, free of executive-branch oversight; to operate independently of Virginia's attorney general; and to employ its own lawyers to sue on its behalf.

While investigating patient deaths and injuries at state mental hospitals, VOPA asked respondents—state officials in charge of those hospitals—to produce relevant patient records. Respondents refused, asserting that a state-law privilege shielded the records from disclosure. VOPA then filed suit in Federal District Court, seeking a declaration that respondents' refusal to produce the records violated the DD and PAIMI Acts and an injunction requiring respondents to produce the records and refrain in the future from interfering with VOPA's right of access. Respondents moved to dismiss on the ground

that they are immune from suit under the Eleventh Amendment, but the court held that the suit was permitted by the doctrine of *Ex parte Young*, 209 U. S. 123, which normally allows federal courts to award prospective relief against state officials for violations of federal law. The Fourth Circuit reversed, finding that *Ex parte Young* did not apply because the suit was brought by a state agency.

Held: Ex parte Young allows a federal court to hear a lawsuit for prospective relief against state officials brought by another agency of the same State. Pp. 4–13.

(a) Absent a waiver of sovereign immunity by a State itself or a valid abrogation by Congress, federal courts may not entertain a private person's suit against a State. Pp. 4–5.

(b) The doctrine of *Ex parte Young,* which establishes an important limitation on the sovereign-immunity principle, is accepted as necessary to "permit the federal courts to vindicate federal rights." *Pennhurst State School and Hospital* v. *Halderman*, 465 U. S. 89. It rests on the premise that when a federal court commands a state official to do nothing more than refrain from violating federal law, he is not the State for sovereign-immunity purposes. It does not apply "when 'the state is the . . . party in interest.' " *Id.,* at 101. Pp. 5–6.

(c) Entertaining VOPA's action is consistent with precedent and does not offend the distinctive interests protected by sovereign immunity. Pp. 6–13.

(1) *Verizon Md. Inc.* v. *Public Serv. Comm'n of Md.*, 535 U. S. 635, held that, in determining the *Ex parte Young* doctrine's applicability, "a court need only conduct a 'straightforward inquiry into whether [the] complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.' " *Id.*, at 645. VOPA's suit satisfies that inquiry. Respondents concede that the action would be proper were VOPA a private organization rather than a state agency. The "general criterion for determining when a suit is in fact against the sovereign is the *effect* of the relief sought," *Pennhurst*, *supra*, at 107, not who is bringing the lawsuit. This Court applied that criterion in *Idaho* v. *Coeur d'Alene Tribe of Idaho*, 521 U. S. 261, which held that an Indian Tribe could not invoke *Ex parte Young* to bring what was essentially a quiet title suit that would "extinguish [Idaho's] control over . . . lands and waters long deemed . . . an integral part of its territory." *Id.*, at 282. Respondents have advanced no argument that the relief sought here threatens a similar invasion of Virginia's sovereignty. Pp. 7–9.

(2) Respondents claim that a State's dignity is diminished when a federal court adjudicates a dispute between its components. But a State's stature is not diminished to any greater degree when its own agency sues to enforce its officers' compliance with federal law than

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when a private person does so. Moreover, VOPA's power to sue state officials is a consequence of Virginia's own decision to establish a public P&A system. Not every offense to a State's dignity constitutes a denial of sovereign immunity. The specific indignity against which sovereign immunity protects is the insult to a State of being haled into court without its consent; that does not occur just because a suit happens to be brought by another state agency. Pp. 9–11.

(3) The apparent novelty of this suit is not likely a consequence of past constitutional doubts. In order to invoke the *Ex parte Young* exception, a state agency needs both a federal right that it possesses against its parent State and authority to sue state officials to enforce that right, free from any internal state-government veto; such conditions rarely coincide. In any event, the principles undergirding the *Ex parte Young* doctrine support its extension to actions of this kind. Pp. 12–13.

568 F. 3d 110, reversed and remanded.

SCALIA, J., delivered the opinion of the Court, in which KENNEDY, THOMAS, GINSBURG, BREYER, and SOTOMAYOR, JJ., joined. KENNEDY, J., filed a concurring opinion, in which THOMAS, J., joined. ROBERTS, C. J., filed a dissenting opinion, in which ALITO, J., joined. KAGAN, J., took no part in the consideration or decision of the case.