SUPREME COURT OF THE UNITED STATES

No. 07–10374

KEITH HAYWOOD, PETITIONER *v.* CURTIS DROWN ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF NEW YORK

[May 26, 2009]

JUSTICE STEVENS delivered the opinion of the Court.

In our federal system of government, state as well as federal courts have jurisdiction over suits brought pursuant to 42 U. S. C. §1983, the statute that creates a remedy for violations of federal rights committed by persons acting under color of state law.[1] While that rule is generally applicable to New York's supreme courts—the State's trial courts of general jurisdiction—New York's Correction Law §24 divests those courts of jurisdiction over §1983 suits that seek money damages from correction officers. New York thus prohibits the trial courts that generally exercise jurisdiction over §1983 suits brought against other state officials from hearing virtually all such suits brought

[1] Section 1 of the Civil Rights Act of 1871, Rev. Stat. §1979, as amended, 42 U. S. C. §1983, provides in relevant part:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

against state correction officers. The question presented is whether that exceptional treatment of a limited category of §1983 claims is consistent with the Supremacy Clause of the United States Constitution.[2]

I

Petitioner, an inmate in New York's Attica Correctional Facility, commenced two §1983 actions against several correction employees alleging that they violated his civil rights in connection with three prisoner disciplinary proceedings and an altercation. Proceeding *pro se*, petitioner filed his claims in State Supreme Court and sought punitive damages and attorney's fees. The trial court dismissed the actions on the ground that, under N. Y. Correct. Law Ann. §24 (West 1987) (hereinafter Correction Law §24), it lacked jurisdiction to entertain any suit arising under state or federal law seeking money damages from correction officers for actions taken in the scope of their employment. The intermediate appellate court summarily affirmed the trial court. 35 App. Div. 3d 1290, 826 N. Y. S. 2d 542 (2006).

The New York Court of Appeals, by a 4-to-3 vote, also affirmed the dismissal of petitioner's damages action. The Court of Appeals rejected petitioner's argument that Correction Law §24's jurisdictional limitation interfered with §1983 and therefore ran afoul of the Supremacy Clause of the United States Constitution. The majority reasoned that, because Correction Law §24 treats state and federal damages actions against correction officers equally (that

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[2] The Supremacy Clause, Art. VI, cl. 2, provides:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

is, neither can be brought in New York courts), the statute should be properly characterized as a "neutral state rule regarding the administration of the courts" and therefore a "valid excuse" for the State's refusal to entertain the federal cause of action. 9 N. Y. 3d 481, 487, 881 N. E. 2d 180, 183, 184 (2007) (quoting *Howlett* v. *Rose*, 496 U. S. 356, 369, 372 (1990) (internal quotation marks omitted)). The majority understood our Supremacy Clause precedents to set forth the general rule that so long as a State does not refuse to hear a federal claim for the "sole reason that the cause of action arises under federal law," its withdrawal of jurisdiction will be deemed constitutional. 9 N. Y. 3d, at 488, 881 N. E. 2d, at 184. So read, discrimination *vel non* is the focal point of Supremacy Clause analysis.

In dissent, Judge Jones argued that Correction Law §24 is not a neutral rule of judicial administration. Noting that the State's trial courts handle all other §1983 damages actions, he concluded that the State had created courts of competent jurisdiction to entertain §1983 suits. In his view, "once a state opens its courts to hear section 1983 actions, it may not selectively exclude section 1983 actions by denominating state policies as jurisdictional." *Id.*, at 497, 881 N. E. 2d, at 191.

Recognizing the importance of the question decided by the New York Court of Appeals, we granted certiorari. 554 U. S. ___ (2008). We now reverse.

II

Motivated by the belief that damages suits filed by prisoners against state correction officers were by and large frivolous and vexatious, New York passed Correction Law §24.[3] The statute employs a two-step process to strip

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[3]The New York Attorney General described Correction Law §24 as "further[ing] New York's legitimate interest in minimizing the disruptive effect of prisoner damages claims against correction employees,

its courts of jurisdiction over such damages claims and to replace those claims with the State's preferred alternative. The provision states in full:

> "1. No civil action shall be brought in any court of the state, except by the attorney general on behalf of the state, against any officer or employee of the department, in his personal capacity, for damages arising out of any act done or the failure to perform any act within the scope of employment and in the discharge of the duties by such officer or employee.
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> "2. Any claim for damages arising out of any act done or the failure to perform any act within the scope of employment and in the discharge of the duties of any officer or employee of the department shall be brought and maintained in the court of claims as a claim against the state."

Thus, under this scheme, a prisoner seeking damages from a correction officer will have his claim dismissed for want of jurisdiction and will be left, instead, to pursue a claim for damages against an entirely different party (the State) in the Court of Claims—a court of limited jurisdiction.[4] See N. Y. Const., Art. VI, §9; N. Y. Ct. Clms. Law Ann. §9 (West 1989) (hereinafter Court of Claims Act).

For prisoners seeking redress, pursuing the Court of Claims alternative comes with strict conditions. In addi-

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many of which are frivolous and vexatious." Brief in Opposition 10; see also *Artega* v. *State*, 72 N. Y. 2d 212, 219, 527 N. E. 2d 1194, 1198 (1988) ("In carrying out their duties relating to security and discipline in the difficult and sometimes highly stressful prison environment, correction employees . . . should not be inhibited because their conduct could be the basis of a damage claim").

[4] Although the State has waived its sovereign immunity from liability by allowing itself to be sued in the Court of Claims, a plaintiff seeking damages against the State in that court cannot use §1983 as a vehicle for redress because a State is not a "person" under §1983. See *Will* v. *Michigan Dept. of State Police*, 491 U. S. 58, 66 (1989).

tion to facing a different defendant, plaintiffs in that Court are not provided with the same relief, or the same procedural protections, made available in §1983 actions brought in state courts of general jurisdiction. Specifically, under New York law, plaintiffs in the Court of Claims must comply with a 90-day notice requirement, Court of Claims Act §9; are not entitled to a jury trial, §12; have no right to attorney's fees, §27; and may not seek punitive damages or injunctive relief, *Sharapata* v. *Town of Islip*, 56 N. Y. 2d 332, 334, 437 N. E. 2d 1104, 1105 (1982).

We must decide whether Correction Law §24, as applied to §1983 claims, violates the Supremacy Clause.

III

This Court has long made clear that federal law is as much the law of the several States as are the laws passed by their legislatures. Federal and state law "together form one system of jurisprudence, which constitutes the law of the land for the State; and the courts of the two jurisdictions are not foreign to each other, nor to be treated by each other as such, but as courts of the same country, having jurisdiction partly different and partly concurrent." *Claflin* v. *Houseman*, 93 U. S. 130, 136–137 (1876); see *Minneapolis & St. Louis R. Co.* v. *Bombolis*, 241 U. S. 211, 222 (1916); The Federalist No. 82, p. 132 (E. Bourne ed. 1947) (A. Hamilton) ("[T]he inference seems to be conclusive, that the State courts would have a concurrent jurisdiction in all cases arising under the laws of the Union, where it was not expressly prohibited"). Although §1983, a Reconstruction-era statute, was passed "to interpose the federal courts between the States and the people, as guardians of the people's federal rights," *Mitchum* v. *Foster*, 407 U. S. 225, 242 (1972), state courts as well as federal courts are entrusted with providing a forum for the vindication of federal rights violated by state or local officials acting under color of state law. See *Patsy* v.

Board of Regents of Fla., 457 U. S. 496, 506–507 (1982) (canvassing the legislative debates of the 1871 Congress and noting that "many legislators interpreted [§1983] to provide dual or concurrent forums in the state and federal system, enabling the plaintiff to choose the forum in which to seek relief"); *Maine* v. *Thiboutot*, 448 U. S. 1, 3, n. 1 (1980).

So strong is the presumption of concurrency that it is defeated only in two narrowly defined circumstances: first, when Congress expressly ousts state courts of jurisdiction, see *Bombolis*, 241 U. S., at 221; *Claflin*, 93 U. S., at 136; and second, "[w]hen a state court refuses jurisdiction because of a neutral state rule regarding the administration of the courts," *Howlett*, 496 U. S., at 372. Focusing on the latter circumstance, we have emphasized that only a neutral jurisdictional rule will be deemed a "valid excuse" for departing from the default assumption that "state courts have inherent authority, and are thus presumptively competent, to adjudicate claims arising under the laws of the United States." *Tafflin* v. *Levitt*, 493 U. S. 455, 458 (1990).

In determining whether a state law qualifies as a neutral rule of judicial administration, our cases have established that a State cannot employ a jurisdictional rule "to dissociate [itself] from federal law because of disagreement with its content or a refusal to recognize the superior authority of its source." *Howlett*, 496 U. S., at 371. In other words, although States retain substantial leeway to establish the contours of their judicial systems, they lack authority to nullify a federal right or cause of action they believe is inconsistent with their local policies. "The suggestion that [an] act of Congress is not in harmony with the policy of the State, and therefore that the courts of the State are free to decline jurisdiction, is quite inadmissible, because it presupposes what in legal contemplation does not exist." *Second Employers' Liability Cases*, 223 U. S. 1,

57 (1912).

It is principally on this basis that Correction Law §24 violates the Supremacy Clause. In passing Correction Law §24, New York made the judgment that correction officers should not be burdened with suits for damages arising out of conduct performed in the scope of their employment. Because it regards these suits as too numerous or too frivolous (or both), the State's longstanding policy has been to shield this narrow class of defendants from liability when sued for damages.[5] The State's policy, whatever its merits, is contrary to Congress' judgment that *all* persons who violate federal rights while acting under color of state law shall be held liable for damages. As we have unanimously recognized, "[a] State may not

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[5] In many respects, Correction Law §24 operates more as an immunity-from-damages provision than as a jurisdictional rule. Indeed, the original version of the statute gave correction officers qualified immunity, providing that no officer would be "liable for damages if he shall have acted in good faith, with reasonable care and upon probable cause." N. Y. Correct. Law. §6–b (McKinney Supp. 1947). And, more recently, a state legislative proposal seeking to extend Correction Law §24's scheme to other state employees explained that its purpose was to grant "the same immunity from civil damage actions as all other State employees who work in the prisons." App. 85.

In *Howlett* v. *Rose*, 496 U. S. 356 (1990), we considered the question whether a Florida school board could assert a state-law immunity defense in a §1983 action brought in state court when the defense would not have been available if the action had been brought in federal court. We unanimously held that the State's decision to extend immunity "over and above [that which is] already provided in §1983 . . . directly violates federal law," and explained that the "elements of, and the defenses to, a federal cause of action are defined by federal law." *Id.*, at 375; *Owen* v. *Independence,* 445 U. S. 622, 647, n. 30 (1980); see also R. Fallon, D. Meltzer, & D. Shapiro, Hart & Wechsler's The Federal Courts and the Federal System 1122 (5th ed. 2003) ("Federal law governs the immunity in [§1983] actions, even when brought against state officials"). Thus, if Correction Law §24 were understood as offering an immunity defense, *Howlett* would compel the conclusion that it violates the Supremacy Clause.

. . . relieve congestion in its courts by declaring a whole category of federal claims to be frivolous. Until it has been proved that the claim has no merit, that judgment is not up to the States to make." *Howlett*, 496 U. S., at 380; *Burnett* v. *Grattan*, 468 U. S. 42, 55 (1984) (rejecting as "manifestly inconsistent with the central objective of the Reconstruction–Era civil rights statutes" the judgment "that factors such as minimizing the diversion of state officials' attention from their duties outweigh the interest in providing employees ready access to a forum to resolve valid claims"). That New York strongly favors a rule shielding correction officers from personal damages liability and substituting the State as the party responsible for compensating individual victims is irrelevant. The State cannot condition its enforcement of federal law on the demand that those individuals whose conduct federal law seeks to regulate must nevertheless escape liability.

IV

While our cases have uniformly applied the principle that a State cannot simply refuse to entertain a federal claim based on a policy disagreement, we have yet to confront a statute like New York's that registers its dissent by divesting its courts of jurisdiction over a disfavored federal claim in addition to an identical state claim. The New York Court of Appeals' holding was based on the misunderstanding that this equal treatment of federal and state claims rendered Correction Law §24 constitutional. 9 N. Y. 3d, at 489, 881 N. E. 2d, at 185 ("Put simply, because Correction Law §24 does not treat section 1983 claims differently than it treats related state law causes of action, the Supremacy Clause is not offended"). To the extent our cases have created this misperception, we now make clear that equality of treatment does not ensure that a state law will be deemed a neutral rule of judicial administration and therefore a valid excuse for

refusing to entertain a federal cause of action.

Respondents correctly observe that, in the handful of cases in which this Court has found a valid excuse, the state rule at issue treated state and federal claims equally. In *Douglas* v. *New York, N. H. & H. R. Co.*, 279 U. S. 377 (1929), we upheld a state law that granted state courts discretion to decline jurisdiction over state and federal claims alike when neither party was a resident of the State. Later, in *Herb* v. *Pitcairn*, 324 U. S. 117 (1945), a city court dismissed an action brought under the Federal Employers' Liability Act (FELA), 45 U. S. C. §51 *et seq.*, for want of jurisdiction because the cause of action arose outside the court's territorial jurisdiction. We upheld the dismissal on the ground that the State's venue laws were not being applied in a way that discriminated against the federal claim. 324 U. S., at 123. In a third case, *Missouri ex rel. Southern R. Co.* v. *Mayfield*, 340 U. S. 1 (1950), we held that a State's application of the *forum non conveniens* doctrine to bar adjudication of a FELA case brought by nonresidents was constitutionally sound as long as the policy was enforced impartially. *Id.*, at 4. And our most recent decision finding a valid excuse, *Johnson* v. *Fankell*, 520 U. S. 911 (1997), rested largely on the fact that Idaho's rule limiting interlocutory jurisdiction did not discriminate against §1983 actions. See *id.*, at 918.

Although the absence of discrimination is necessary to our finding a state law neutral, it is not sufficient. A jurisdictional rule cannot be used as a device to undermine federal law, no matter how evenhanded it may appear. As we made clear in *Howlett*, "[t]he fact that a rule is denominated jurisdictional does not provide a court an excuse to avoid the obligation to enforce federal law if the rule does not reflect the concerns of power over the person and competence over the subject matter that jurisdictional rules are designed to protect." 496 U. S., at 381. Ensuring equality of treatment is thus the beginning, not the end, of

the Supremacy Clause analysis.

In addition to giving too much weight to equality of treatment, respondents mistakenly treat this case as implicating the "great latitude [States enjoy] to establish the structure and jurisdiction of their own courts." *Id.*, at 372. Although Correction Law §24 denies state courts authority to entertain damages actions against correction officers, this case does not require us to decide whether Congress may compel a State to offer a forum, otherwise unavailable under state law, to hear suits brought pursuant to §1983. The State of New York has made this inquiry unnecessary by creating courts of general jurisdiction that routinely sit to hear analogous §1983 actions. New York's constitution vests the state supreme courts with general original jurisdiction, N. Y. Const., Art. VI, §7(a), and the "inviolate authority to hear and resolve all causes in law and equity." *Pollicina* v. *Misericordia Hospital Medical Center*, 82 N. Y. 2d 332, 339, 624 N. E. 2d 974, 977 (1993). For instance, if petitioner had attempted to sue a police officer for damages under §1983, the suit would be properly adjudicated by a state supreme court. Similarly, if petitioner had sought declaratory or injunctive relief against a correction officer, that suit would be heard in a state supreme court. It is only a particular species of suits—those seeking damages relief against correction officers—that the State deems inappropriate for its trial courts.[6]

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[6] While we have looked to a State's "common-law tort analogues" in deciding whether a state procedural rule is neutral, see *Felder* v. *Casey*, 487 U. S. 131, 146, n. 3 (1988), we have never equated "analogous claims" with "identical claims." Instead, we have searched for a similar claim under state law to determine whether a State has established courts of adequate and appropriate jurisdiction capable of hearing a §1983 suit. See *Testa* v. *Katt*, 330 U. S. 386, 388, 394 (1947); *Martinez* v. *California*, 444 U. S. 277, 283–284, n. 7 (1980) ("[W]here the same *type* of claim, if arising under state law, would be enforced in the state courts, the state courts are generally not free to refuse enforcement of

We therefore hold that, having made the decision to create courts of general jurisdiction that regularly sit to entertain analogous suits, New York is not at liberty to shut the courthouse door to federal claims that it considers at odds with its local policy.[7] A State's authority to organize its courts, while considerable, remains subject to the strictures of the Constitution. See, *e.g.*, *McKnett* v. *St. Louis & San Francisco R. Co.*, 292 U. S. 230, 233 (1934). We have never treated a State's invocation of

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the federal claim" (emphasis added)). Section 1983 damages claims against other state officials and equitable claims against correction officers are both sufficiently analogous to petitioner's §1983 claims.

[7]The dissent's contrary view is based on its belief that "States have unfettered authority to determine whether their local courts may entertain a federal cause of action." *Post*, at 8 (opinion of THOMAS, J.). But this theory of the Supremacy Clause was raised and squarely rejected in *Howlett*. Respondents in that case "argued that a federal court has no power to compel a state court to entertain a claim over which the state court has no jurisdiction as a matter of state law." 496 U. S., at 381; see also Brief for National Association of Counties et al. as *Amici Curiae* in *Howlett* v. *Rose*, O. T. 1989, No. 89–5383, pp. 11–13 ("[S]tate courts are under no obligation to disregard even-handed jurisdictional limitations that exclude both state and federal claims"). We declared that this argument had "no merit" and explained that it ignored other provisions of the Constitution, including the Full Faith and Credit Clause and the Privileges and Immunities Clause, which compel States to open their courts to causes of action over which they would normally lack jurisdiction. See 496 U. S., at 381–382; see also *Hughes* v. *Fetter*, 341 U. S. 609, 611 (1951) (interpreting the Full Faith and Credit Clause and concluding that a State cannot "escape [its] constitutional obligation to enforce the rights and duties validly created under the laws of other states by the simple device of removing jurisdiction from courts otherwise competent"); *Angel* v. *Bullington*, 330 U. S. 183, 188 (1947) (noting that the Constitution may "fetter the freedom of a State to deny access to its courts howsoever much it may regard such withdrawal of jurisdiction 'the adjective law of the State', or the exercise of its right to regulate 'the practice and procedure' of its courts"). We saw no reason to treat the Supremacy Clause differently. *Howlett*, 496 U. S., at 382–383. Thus, to the extent the dissent resurrects this argument, we again reject it.

"jurisdiction" as a trump that ends the Supremacy Clause inquiry, see *Howlett*, 496 U. S., at 382–383, and we decline to do so in this case. Because New York's supreme courts generally have personal jurisdiction over the parties in §1983 suits brought by prisoners against correction officers and because they hear the lion's share of all other §1983 actions, we find little concerning "power over the person and competence over the subject matter" in Correction Law §24. *Id.*, at 381; see *id.*, at 378 (conducting a similar analysis and concluding that the Florida courts of general jurisdiction were "fully competent to provide the remedies [§1983] requires").[8]

Accordingly, the dissent's fear that "no state jurisdictional rule will be upheld as constitutional" is entirely unfounded. *Post*, at 29, n. 10. Our holding addresses only the unique scheme adopted by the State of New York—a law designed to shield a particular class of defendants (correction officers) from a particular type of liability (damages) brought by a particular class of plaintiffs (prisoners). Based on the belief that damages suits against correction officers are frivolous and vexatious, see *supra*, at 3–4, n. 3, Correction Law §24 is effectively an immunity statute cloaked in jurisdictional garb. Finding this

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[8]The dissent's proposed solution would create a blind spot in the Supremacy Clause. If New York had decided to employ a procedural rule to burden the enforcement of federal law, the dissent would find the scheme unconstitutional. Yet simply because New York has decided to impose an even greater burden on a federal cause of action by selectively withdrawing the jurisdiction of its courts, the dissent detects no constitutional violation. Thus, in the dissent's conception of the Supremacy Clause, a State could express its disagreement with (and even open hostility to) a federal cause of action, declare a desire to thwart its enforcement, and achieve that goal by removing the disfavored category of claims from its courts' jurisdiction. If this view were adopted, the lesson of our precedents would be that other States with unconstitutionally burdensome procedural rules did not go far enough "to avoid the obligation to enforce federal law." *Howlett*, 469 U. S., at 381.

scheme unconstitutional merely confirms that the Supremacy Clause cannot be evaded by formalism.[9]

V

The judgment of the New York Court of Appeals is reversed, and the case is remanded to that court for further proceedings not inconsistent with this opinion.

It is so ordered.

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[9] A contrary conclusion would permit a State to withhold a forum for the adjudication of any federal cause of action with which it disagreed as long as the policy took the form of a jurisdictional rule. That outcome, in turn, would provide a roadmap for States wishing to circumvent our prior decisions. See *id.,* at 383 (rejecting a similar argument that would have allowed "the State of Wisconsin [to] overrule our decision in *Felder* . . . by simply amending its notice-of-claim statute to provide that no state court would have jurisdiction of an action in which the plaintiff failed to give the required notice").