

Syllabus

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

Syllabus

JEFFERSON, INDIVIDUALLY AND AS ADMINISTRATOR OF
THE ESTATE OF JEFFERSON, DECEASED, ET AL. v.
CITY OF TARRANT, ALABAMA

CERTIORARI TO THE SUPREME COURT OF ALABAMA

No. 96–957. Argued November 4, 1997– Decided December 9, 1997

Petitioners commenced this action in Alabama state court to recover damages for the death of their decedent, Alberta Jefferson, an African-American woman who perished in a fire at her home in respondent City. They alleged that City firefighters failed to rescue Ms. Jefferson promptly after arriving on the scene and to revive her upon carrying her from her house. These omissions, they charged, resulted from the selective denial of fire protection to disfavored minorities and proximately caused Ms. Jefferson's death. The City maintains that the firefighters responded to the alarm call as quickly as possible and that Ms. Jefferson was already dead when they arrived. Petitioners asserted state-law wrongful-death and outrage claims. They also asserted claims under 42 U. S. C. §1983 that Ms. Jefferson's death resulted from (1) the deliberate indifference of the City and its agents, in violation of the Fourteenth Amendment's Due Process Clause, and (2) a practice of invidious racial discrimination, in violation of that Amendment's Equal Protection Clause. In its motion for judgment on the pleadings on the §1983 claims, the City argued that, under *Robertson v. Wegmann*, 436 U. S. 584, 588–590, the survival remedy provided by Alabama's Wrongful Death Act governed petitioners' potential recovery on the constitutional tort claims. The Alabama Supreme Court has interpreted the state Act as providing a punitive damages remedy only, but this Court has ruled that §1983 plaintiffs may not recover punitive damages against a municipality, see *Newport v. Fact Concerts, Inc.*, 453 U. S. 247. Accordingly, the City argued that it could not be held liable for damages under §1983. The trial court denied the City's motion in part and ruled that petitioners could recover compensatory damages against the City under §1983.

Syllabus

It certified the damages question for immediate review. The Alabama Supreme Court reversed on interlocutory appeal, holding that the state Act, including its allowance of punitive damages only, governed petitioners' potential recovery on their §1983 claims. The court remanded "for further proceedings consistent with [its] opinion." After this Court granted certiorari to resolve whether the state Act governed the §1983 claims, the City asserted for the first time, in its brief on the merits, that the Court lacks jurisdiction to review the Alabama Supreme Court's interlocutory order.

Held: Because the Alabama Supreme Court has not yet rendered a final judgment, this Court lacks jurisdiction to review that court's decision on petitioners' §1983 claims. Pp. 4–8.

(a) Congress has long vested in this Court authority to review federal question decisions made by state courts, see Judiciary Act of 1789, §25, but has limited that power to cases in which the State's judgment is "final," see 28 U. S. C. §1257(a). This finality rule is firm, not a technicality to be easily scorned. *Radio Station WOW, Inc. v. Johnson*, 326 U. S. 120, 124. A state-court decision is not final unless and until it has effectively determined the entire litigation. *Market Street R. Co. v. Railroad Comm'n of Cal.*, 324 U. S. 548, 551. The decision below does not qualify as a "final judgment" within §1257(a)'s meaning. The Alabama Supreme Court decided the federal-law issue on an interlocutory certification from the trial court, then remanded the cause for further proceedings on petitioners' remaining state-law claims. Absent settlement or further dispositive motions, the proceedings on remand will include a trial on the merits of the state-law claims. In a virtually identical case, this Court has dismissed certiorari for want of jurisdiction. *O'Dell v. Espinoza*, 456 U. S. 430 (*per curiam*). Pp. 4–6.

(b) This case does not come within the narrow circumstances in which the Court has found finality despite the promise of further state-court proceedings. See *Cox Broadcasting Corp. v. Cohn*, 420 U. S. 469. It does not involve a federal issue, finally decided by the State's highest court, that will survive and require decision regardless of the outcome of future state-court proceedings. *Id.*, at 480. Resolution of the state-law claims could effectively moot the federal-law question. If the City establishes, as a matter of fact, that its firefighters could have done nothing more to save Ms. Jefferson's life, any §1983 claim will necessarily fail, however incorrect the Alabama Supreme Court's ruling. Nor is this an instance where the federal claim has been finally decided, with further proceedings on the merits in the state courts to come, but in which later review of the federal issue cannot be had whatever the ultimate outcome of the case. *Id.*, at 481. If the decision under review ultimately makes a difference to

Syllabus

petitioners— in particular, if they prevail on their state claims but recover less than they might have under federal law, or if their state claims fail for reasons that do not also dispose of their federal claims— they will be free to seek this Court’s review once the state-court litigation comes to an end. Even if the Alabama Supreme Court adheres to its interlocutory ruling as “law of the case,” that determination will in no way limit this Court’s ability to review the issue on final judgment. See, e.g., *Hathorn v. Lovorn*, 457 U. S. 255, 261–262. The Court confines *Pennsylvania v. Ritchie*, 480 U. S. 39, 49, n. 7, to the exceptional circumstances there presented, and rejects any construction of *Ritchie* that would expand the exceptions stated in *Cox Broadcasting Corp.* Pp. 6–8.

Certiorari dismissed for want of jurisdiction. Reported below: 682 So. 2d 29.

GINSBURG, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O’CONNOR, SCALIA, KENNEDY, SOUTER, THOMAS, and BREYER, JJ., joined. STEVENS, J., filed a dissenting opinion.