

UNITED STATES SUPREME COURT HOLDS THAT PURE LEGAL ISSUES DO NOT NEED TO BE RENEWED IN POST-TRIAL MOTION TO PRESERVE ARGUMENT ON APPEAL

May 31, 2023 | Law Alerts, News



Dupree v. Younger

United States Supreme Court

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Last week, the United States Supreme Court held that pure legal issues do not need to be renewed in a post-trial motion to preserve the argument on appeal. It contrasted legal issues with factual issues, and explained that factual issues still need to be properly preserved through Rule 50 motions and post-trial motions.

Kevin Younger was a pretrial detainee in a Maryland state prison. Younger was allegedly assaulted by corrections officers and believed Neil Dupree, a former lieutenant, had ordered the attack. Younger sued Dupree and other officials under 42 U.S.C. § 1983, alleging they had used excessive force against him. Dupree moved for summary judgment and argued Younger failed to exhaust his administrative remedies pursuant to the Prison Litigation Reform Act. The district court denied the motion. Although the court noted factual disagreements between the parties about whether Younger had adhered to Maryland's Administrative Remedy Procedure, it decided that it did not need to resolve those disputes because there was no dispute that the Maryland prison system had investigated the assault. As a result, the court concluded Younger had exhausted his remedies.

The case went to the jury and Dupree did not present any evidence regarding his exhaustion defense, and he did not raise exhaustion in his Rule 50(a) motion. The jury found Dupree and the other officials liable. Dupree did not file a post-trial motion under Rule 50(b).

Dupree appealed to the Fourth Circuit. The Fourth Circuit dismissed his appeal because he did not renew it in a post-trial motion, even though it was a purely legal issue. Dupree petitioned for certiorari, and the United States Supreme Court granted review because of a circuit split on the issue.

The Court began by explaining that interlocutory orders (orders that do not dispose of the entire case, like denials of summary judgment) are typically not immediately appealable. It then explained that some interlocutory rulings are unreviewable after final judgment because of developments in the litigation. For example, when the parties develop or clarify the facts between summary judgment and a jury verdict. Thus, in order for a party to preserve sufficiency of the evidence issue for appeal, a litigant must file a Rule 50 motion. "Absent such a motion, an appellate court is 'powerless' to review the sufficiency of the evidence after trial." (quotations omitted).

The Court declined to extend the same logic to purely legal issues in summary judgment rulings because those issues can be resolved without reference to any disputed facts or future developed facts at trial. Indeed, pure legal issues do not change at trial, because the point of the trial is only to figure out the facts of the case, not to figure out the law. And while a pure legal issue *can* be raised in a Rule 50 motion, the Court clarified that nothing in Rule 50 *requires* a party to do so. As a result, the Court held that summary judgment motions are sufficient to preserve legal, but not factual, claims.

The Court rejected Younger's arguments that a motion for summary judgment could never be appealed or that its ruling creates different paths to an appeal. It also concluded that circuit courts would be able to handle the differing standards although it can be difficult to tell, at times, the difference between a pure question of law and a question of fact, and noted that prudent counsel would likely renew the argument in a Rule 50 motion out of an abundance of caution. It saw no reason to take away appellate review "for unwary litigants who think it futile to relitigate an already-rejected legal argument."

The case was then remanded to the Fourth Circuit to evaluate whether the exhaustion argument raised a purely legal issue.

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