

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

DUPREE *v.* YOUNGERCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FOURTH CIRCUIT

No. 22–210. Argued April 24, 2023—Decided May 25, 2023

Respondent Kevin Younger claims that during his pretrial detention in a Maryland state prison, petitioner Neil Dupree, then a correctional officer lieutenant, ordered three prison guards to attack him. Younger sued Dupree for damages under 42 U. S. C. §1983, alleging excessive use of force. Prior to trial, Dupree moved for summary judgment under Federal Rule of Civil Procedure 56(a), arguing that Younger had failed to exhaust administrative remedies as required by law. Rule 56 requires a district court to enter judgment on a claim or defense if there is “no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” The District Court denied the motion, finding no dispute that the Maryland prison system had internally investigated Younger’s assault, and concluding that this inquiry satisfied Younger’s exhaustion obligation. At trial, Dupree did not present evidence relating to his exhaustion defense. The jury found Dupree and four codefendants liable and awarded Younger \$700,000 in damages. Dupree did not file a post-trial motion under Rule 50(b), which allows a disappointed party to file a renewed motion for judgment as a matter of law. He appealed a single issue to the Fourth Circuit: the District Court’s rejection of his exhaustion defense. The Fourth Circuit—bound by its precedent which holds that any claim or defense rejected at summary judgment is not preserved for appellate review unless it was renewed in a post-trial motion—dismissed the appeal.

Held: A post-trial motion under Rule 50 is not required to preserve for appellate review a purely legal issue resolved at summary judgment. In *Ortiz v. Jordan*, the Court held that an order denying summary judgment on sufficiency-of-the-evidence grounds is not appealable after trial. 562 U. S. 180, 184. Because the factual record developed at

Syllabus

trial “supersedes the record existing at the time of the summary-judgment motion,” *ibid.*, it follows that a party must raise a sufficiency claim in a post-trial motion in order to preserve it for appeal, *id.*, at 191–192. That motion allows the district court to take first crack at the question that the appellate court will ultimately face: Was there sufficient evidence *in the trial record* to support the jury’s verdict?

The same is not true for pure questions of law resolved in an order denying summary judgment. These conclusions are not “supersede[d]” by later developments in the litigation, *id.*, at 184, and so such rulings merge into the final judgment, at which point they are reviewable on appeal, *Quackenbush v. Allstate Ins. Co.*, 517 U. S. 706, 712. The reviewing court does not benefit from having a district court reexamine a purely legal pretrial ruling after trial, because nothing at trial will have given the district court any reason to question its prior analysis.

Younger’s counterarguments are unpersuasive. *Ortiz* does not hold, as Younger contends, that any order denying summary judgment—whether decided on legal or factual grounds—is unreviewable under 28 U. S. C. §1291. While an interlocutory order denying summary judgment is typically not immediately appealable, §1291 does not insulate interlocutory orders from appellate scrutiny, but rather delays their review until final judgment. And while Younger insists there should be no two-track system of summary judgment, in which factual and legal claims follow different routes, nothing in Rule 56 supports his argument for uniformity. On the contrary, fitting the preservation rule to the rationale (factual or legal) underlying the summary-judgment order is consistent with the text of Rule 56. It also makes sense: Factual development at trial will not change the district court’s pretrial answer to a purely legal question, so a post-trial motion requirement would amount to an empty exercise. Finally, while Younger predicts that a separate preservation rule for legal issues will prove unworkable because the line between factual and legal questions can be “vexing” for courts and litigants, *Pullman-Standard v. Swint*, 456 U. S. 273, 288, experience demonstrates that Younger overstates the need for a bright-line rule. “Courts of appeals have long found it possible to separate factual from legal matters.” *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, 574 U. S. 318, 328. Here, the Court does not decide whether the issue Dupree raised on appeal is purely legal, and remands for the Fourth Circuit to evaluate that question in the first instance. Pp. 4–9.

Vacated and remanded.

BARRETT, J., delivered the opinion for a unanimous Court.

Opinion of the Court

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SUPREME COURT OF THE UNITED STATES

No. 22–210

NEIL DUPREE, PETITIONER *v.*
KEVIN YOUNGER

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

[May 25, 2023]

JUSTICE BARRETT delivered the opinion of the Court.

In *Ortiz v. Jordan*, we held that an order denying summary judgment on sufficiency-of-the-evidence grounds is not appealable after a trial. 562 U. S. 180 (2011). Thus, a party who wants to preserve a sufficiency challenge for appeal must raise it anew in a post-trial motion. The question presented in this case is whether this preservation requirement extends to a purely legal issue resolved at summary judgment. The answer is no.

I A

The Federal Rules of Civil Procedure empower district courts to direct the entry of judgment before, during, or after trial. Before trial, the defendant can file a motion to dismiss the complaint based on certain defenses, such as lack of jurisdiction or failure to state a claim upon which relief can be granted. Fed. Rule Civ. Proc. 12(b). If the district court denies that motion (or any other Rule 12 motion), the case advances to discovery for the parties to marshal evidence supporting their claims and defenses. During or

Opinion of the Court

after that process, either party can move for summary judgment under Rule 56, which requires a district court to enter judgment on a claim or defense if there is “no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. Rule Civ. Proc. 56(a).

If the plaintiff’s claims survive summary judgment, the case proceeds to trial. After the presentation of evidence, but before the case is submitted to the jury, Rule 50(a) authorizes either party to move for judgment as a matter of law.¹ This standard largely “mirrors” the summary-judgment standard, the difference being that district courts evaluate Rule 50(a) motions in light of the trial record rather than the discovery record. *Anderson v. Liberty Lobby, Inc.*, 477 U. S. 242, 250–251 (1986).

If the district court does not grant the motion, then the jury will render a verdict. After the verdict, Rule 50(b) permits a disappointed party to file a renewed motion for judgment as a matter of law (which may also include a request for a new trial under Rule 59). The next step for a party who fails to obtain post-trial relief is an appeal.

B

While Kevin Younger was being held as a pretrial detainee in a Maryland state prison, three corrections officers assaulted him. Younger believed that Neil Dupree, a former lieutenant in the prison, had ordered the attack. He sued Dupree and other prison officials for damages under 42 U. S. C. §1983, alleging that they had used excessive force in violation of his Fourteenth Amendment due process rights.

Dupree moved for summary judgment, arguing that Younger had failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act, 42 U. S. C.

¹ If the parties waive their rights to a jury or seek relief that does not entitle them to a jury, the district court will hold a bench trial, which is governed by Rule 52.

Opinion of the Court

§1997e(a). The District Court denied the motion. It noted factual disagreements between the parties about whether Younger had adhered to Maryland’s Administrative Remedy Procedure but concluded that it “need not resolve [those] disputes.” *Younger v. Green*, Civ. No. 16–3269 (D Md., Dec. 19, 2019), App. to Pet. for Cert. 42a. Instead, the court observed that there was “no dispute” that the Maryland prison system had internally investigated Younger’s assault. *Ibid.* And it held that this inquiry satisfied Younger’s exhaustion obligation.

The case then proceeded to a jury trial. Dupree did not present any evidence relating to his exhaustion defense, nor did he invoke exhaustion in his Rule 50(a) motion, which the District Court denied. The jury found Dupree and four of his codefendants liable and awarded Younger \$700,000 in damages. Dupree did not file a post-trial motion under Rule 50(b).

Dupree appealed a single issue to the Fourth Circuit: the District Court’s rejection of his exhaustion defense at summary judgment. Unfortunately for Dupree, the appeal was over before it began. Fourth Circuit precedent maintains that a claim or defense rejected at summary judgment is not preserved for appellate review unless it was renewed in a post-trial motion—even when the issue is a purely legal one. *Varghese v. Honeywell Int’l, Inc.*, 424 F. 3d 411, 422–423 (2005). Bound by this precedent, the panel dismissed the appeal.

The Fourth Circuit’s decision further cemented a conflict among the Courts of Appeals over whether a purely legal challenge resolved at summary judgment must be renewed in a post-trial motion in order to preserve that challenge for appellate review. We granted certiorari to resolve the disagreement.² 598 U. S. ____ (2023).

² Compare *Rothstein v. Carriere*, 373 F. 3d 275, 284 (CA2 2004) (post-trial motion not required to preserve claims of purely legal error); *Frank*