

RECENT DEVELOPMENTS

MISCELLANEOUS

SUPREME COURT RULES THE “TRANSIENT VICTORY” OF A PRELIMINARY INJUNCTION IS NOT ENOUGH TO DECLARE A LITIGANT THE PREVAILING PARTY

Lackey v. Stinnie, 604 U.S. ____ (2025).

https://www.supremecourt.gov/opinions/24pdf/23-621_5ifl.pdf

FACTS: A Virginia statute required the suspension of driver’s licenses for those who failed to pay court fines. Drivers whose licenses were suspended under the statute sued the Commissioner of the Virginia Department of Motor Vehicles, challenging the constitutionality of the statute. The drivers asserted that the statute violated the Fourteenth Amendment Due Process and Equal Protection Clauses because it failed to provide drivers with sufficient notice or hearing before the suspension of their licenses, and because it had an unfair impact on those who could not afford to pay the court fines. The drivers sued for declaratory relief, a preliminary and permanent injunction, and attorney’s fees under 42 U.S.C. §1988(b).

The District Court granted a preliminary injunction prohibiting the enforcement of the statute against the drivers and any future class members. Before trial, the statute was repealed, and the suspended licenses were reinstated. The parties agreed that

the action had become moot and decided to dismiss the pending case, but the drivers still maintained that they were entitled to attorney’s fees under §1988(b), which states that attorney’s fees can be awarded to “prevailing parties.” The District Court did not award attorney’s fees to the drivers because it found that parties who obtain a preliminary injunction are not pre-

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prevailing parties. A Fourth Circuit panel affirmed the holding of the District Court, but the Fourth Circuit reversed the holding en banc and held that some preliminary injunctions can provide lasting and merits-based relief such that plaintiffs could qualify as prevailing parties. The Supreme Court granted certiorari to determine whether a party awarded a preliminary injunction in a case which becomes moot before the court reaches a final judgment qualifies as a prevailing party for the purposes of §1988(b).

HOLDING: Reversed.

REASONING: When §1988(b) was initially adopted, “prevailing party” was defined in Black’s Law Dictionary as one “who successfully prosecutes the action or successfully defends against it” and “[t]he party ultimately prevailing when the matter is finally set at rest.” Black’s Law Dictionary 1352 (rev. 4th ed. 1968). Because of this, the Supreme Court placed specific emphasis on

the need for the conclusiveness of a final judgment. The Court stated that preliminary injunctions are of a “transient nature” and “do not conclusively resolve legal disputes,” further noting that preliminary injunctions are not always congruent with the final judgment. Therefore, the Court determined that preliminary injunctions do not confer prevailing party status given the fact that they do not conclusively resolve the rights of the parties on the merits.

The Court stated that a plaintiff prevails when it is awarded judicial relief that constitutes a “material alteration of the legal relationship of the parties.” *Texas State Teachers Assn. v. Garland Independent School Dist.*, 489 U. S. 782, 792–793 (1989). The Court further emphasized that the relief must be awarded through judicial sanction for a party to be considered prevailing, as determined in *Buckhannon Board & Care Home, Inc. v. West Virginia Department of Health and Human Resources*, 532 U. S., at 605. The Court also referenced *Sole v. Wyner*, in which it held that the change in the legal relationship between the parties must be “enduring” for one of them to have prevailed. 551 U. S., at 86. In considering these two holdings, the Court found that the enduring nature of the judicially sanctioned change in the legal relationship of the parties must itself be judicially sanctioned. A plaintiff cannot be made a prevailing party through external events during which their transient victory in the form of a preliminary injunction is turned into a lasting one. Instead, parties must obtain enduring judicial relief through the court’s conclusive resolution of their claim.