

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Kenney v. Rhode Island Cannabis Control Commission

No. 25-1173 · No. 25-1173 · Decided November 25, 2025

SUMMARY

The United States Court of Appeals for the First Circuit held that the district court prematurely dismissed John Kenney's dormant Commerce Clause challenges to Rhode Island's cannabis licensing requirements on ripeness grounds. The court concluded that the claims were ripe, not moot, and supported by standing, and it reversed and remanded for prompt consideration of the merits and declaratory-relief claim.

CASE DETAILS

COURT	United States Court of Appeals for the First Circuit
WRITING FOR THE COURT	Lynch, Circuit Judge; Gelpí, Circuit Judge; Howard, Circuit Judge
JURISDICTION	United States Court of Appeals for the First Circuit
DECIDED	November 25, 2025
DOCKET	25-1173
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the district court's dismissal without prejudice for lack of ripeness.
STANDARD OF REVIEW	De novo review of the district court's dismissal on ripeness and subject-matter-jurisdiction grounds.
PRECEDENTIAL VALUE	Published First Circuit opinion
PARTIES	John Kenney v. Rhode Island Cannabis Control Commission, Kimberly Ahern, in her official capacity

TOPICS

- ripeness
- mootness
- standing
- dormant commerce clause
- appellate procedure

PRACTICE AREAS

- appellate procedure
- constitutional law
- administrative law
- federalism

QUESTIONS PRESENTED

1. Whether the district court erroneously dismissed Kenney's dormant Commerce Clause challenges as unripe before the Rhode Island Cannabis Control Commission promulgated final retail-cannabis licensing rules.
2. Whether the claims became moot after the Commission issued final licensing rules during the appeal.
3. Whether Kenney had standing to challenge the Rhode Island Cannabis Act provisions.

HOLDINGS

1. The district court erroneously dismissed Kenney's dormant Commerce Clause claims on ripeness grounds.
2. Kenney's claims were not moot.
3. Kenney had standing to pursue the challenge.

KEY QUOTATIONS

“As the merits panel, we now hold the district court erroneously dismissed this case on ripeness grounds, that these claims are not moot, and that the plaintiff Kenney has standing.” (at 3)

“We reverse and remand for prompt consideration and resolution of the merits of plaintiff's claims of unconstitutionality of the Act and his claim for declaratory judgment.” (at 3)

FACTUAL BACKGROUND

John Kenney, a Florida resident, sought to qualify for a Rhode Island retail cannabis license as a social equity applicant. He alleged that he had a District of Columbia social equity cannabis license and past nonviolent marijuana convictions in Maryland and Nevada. He challenged Rhode Island's residency and local-ownership requirement for license applicants and the statutory definition of a social equity applicant, alleging that the definition recognized only qualifying Rhode Island marijuana offenses.

PROCEDURAL HISTORY

Kenney filed a challenge to Rhode Island cannabis-licensing provisions under the dormant Commerce Clause. The district court dismissed the action on ripeness grounds because the Rhode Island Cannabis Control Commission had not yet promulgated final licensing rules. After final rules were issued during the appeal, the First Circuit held that the claims were ripe, not moot, and brought by a plaintiff with standing; it reversed and remanded for consideration of the merits.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must promptly consider and resolve the merits of Kenney's claims that the Rhode Island Cannabis Act is unconstitutional and his claim for declaratory judgment. The district court was instructed to

issue its rulings at least forty-five days before the date on which the Commission intends to issue retail licenses under the Act.

CASES CITED

- Jensen v. Rhode Island Cannabis Control Commission, No. 25-1132

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