

SUPREME COURT OF THE UNITED STATES

Hawaii Housing Authority v. Midkiff

463 U.S. 1323 (1983) · Decided September 2, 1983

SUMMARY

Justice Rehnquist, acting as Circuit Justice, denied without prejudice an application by the Hawaii Housing Authority and related applicants to stay or vacate a Ninth Circuit injunction concerning enforcement of Hawaii’s Land Reform Act. The opinion addresses appellate jurisdiction, recall of an appellate mandate, equitable injunction requirements, and the potential application of Younger abstention principles to state condemnation proceedings.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Rehnquist, Circuit Justice
JURISDICTION	Federal
DECIDED	September 2, 1983
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Applicants sought a stay or vacatur of an order of the United States Court of Appeals for the Ninth Circuit, which had recalled its mandate and enjoined further state administrative or judicial proceedings under the Hawaii Land Reform Act pending clarification.
STANDARD OF REVIEW	A court of appeals' recall of its mandate is an extraordinary remedy reviewable for abuse of discretion. A Circuit Justice should not stay an appellate order that is not demonstrably wrong and may soon be revised by the issuing court.
PRECEDENTIAL VALUE	Supreme Court Circuit Justice opinion addressing an interlocutory application; it denied relief without finally resolving the underlying merits or the unsettled Younger timing questions.
PARTIES	Hawaii Housing Authority, its commissioners, its executive director v. Respondents

TOPICS

- appellate procedure
- interlocutory appeal
- federalism
- eminent domain
- takings clause

PRACTICE AREAS

constitutional law

real estate

appellate procedure

federalism

remedies

QUESTIONS PRESENTED

1. Whether the Ninth Circuit retained authority to recall and clarify its mandate after a notice of appeal to the Supreme Court had been filed.
2. Whether the Ninth Circuit's recall of its mandate was an abuse of discretion.
3. Whether the Ninth Circuit's injunction against state proceedings implicated or violated the principles of federalism and abstention recognized in *Younger v. Harris* and related cases.
4. Whether the Circuit Justice should stay or vacate the Ninth Circuit's interlocutory order.

HOLDINGS

1. A court retains power to grant injunctive relief preserving the status quo during the pendency of an appeal, including an appeal to the Supreme Court.
2. Recall of a mandate is an extraordinary remedy within the inherent power of a court of appeals and is reviewable for abuse of discretion.
3. The principles of *Younger* abstention apply to federal injunctions against noncriminal state judicial proceedings when important state interests are involved, subject to exceptions where state law clearly bars constitutional claims or extraordinary circumstances require equitable relief.

KEY QUOTATIONS

“Whatever the current application of the so-called jurisdictional shift theory to modern appellate procedure, it is well settled that a court retains the power to grant injunctive relief to a party to preserve the status quo during the pendency of an appeal, even to this Court.” (1324)

“Where vital state interests are involved, a federal court should refrain from enjoining an ongoing state judicial proceeding unless state law clearly bars the interposition of constitutional claims, or some extraordinary circumstance exists requiring equitable relief.” (1325)

“The application is therefore denied without prejudice to its being renewed in the event of changed circumstances.” (1327)

FACTUAL BACKGROUND

The Hawaii Housing Authority and related applicants were involved in litigation concerning the Hawaii Land Reform Act, whose condemnation provisions had been held unconstitutional by the Ninth Circuit. The Ninth Circuit later recalled its mandate and enjoined the applicants from pursuing or initiating state administrative or judicial proceedings under the Act. Significant condemnation cases under the Act were pending in Hawaii state courts when the injunction was issued.

PROCEDURAL HISTORY

The Ninth Circuit held that the condemnation provisions of the Hawaii Land Reform Act violated the Fifth Amendment Takings Clause. After a notice of appeal to the Supreme Court was filed, the Ninth Circuit recalled its mandate for clarification and enjoined proceedings under the Act. The applicants sought relief from the Circuit Justice, who denied the application without prejudice to renewal if circumstances changed.

DISPOSITION

writ_denied

CASES CITED

- *Midkiff v. Tom*, 702 F.2d 788 (9th Cir. 1983)
- *Newton v. Consolidated Gas Co.*, 258 U.S. 165, 177 (1922)
- *Merrimack River Savings Bank v. Clay Center*, 219 U.S. 527, 531-535 (1911)
- *Younger v. Harris*, 401 U.S. 37, 44 (1971)
- *Huffman v. Pursue*, 420 U.S. 592 (1975)
- *Trainor v. Hernandez*, 431 U.S. 434, 446 (1977)
- *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423, 432 (1982)
- *Wooley v. Maynard*, 430 U.S. 705 (1977)
- *Hicks v. Miranda*, 422 U.S. 332 (1975)
- *Steffel v. Thompson*, 415 U.S. 452 (1974)