

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Cuba Soil & Water Conservation District v. Lewis

527 F.3d 1061 (10th Cir. 2008) · No. No. 07-2218 · Decided May 30, 2008

SUMMARY

The Tenth Circuit held that the Federal Mineral Leasing Act does not provide political subdivisions of a state with an implied private cause of action to challenge the state's allocation of federal mineral royalties. The court concluded that the statute's priority language lacks sufficiently manageable standards and that the Act's express enforcement scheme weighs against implying another remedy. The court affirmed dismissal of the plaintiffs' complaint.

CASE DETAILS

COURT	United States Court of Appeals for the Tenth Circuit
WRITING FOR THE COURT	Baldock, Circuit Judge; Henry, Chief Judge; Tymkovich, Circuit Judge
JURISDICTION	Federal
DECIDED	May 30, 2008
DOCKET	No. 07-2218
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the district court's dismissal of their complaint under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	De novo review of a Rule 12(b)(6) dismissal.
PRECEDENTIAL VALUE	Published Tenth Circuit opinion; precedential.
PARTIES	Cuba Soil and Water Conservation District, Lea Soil and Water Conservation District v. James Lewis, New Mexico State Treasurer, State of New Mexico

TOPICS

- mineral rights
- statutory interpretation
- federalism
- remedies
- municipal law

PRACTICE AREAS

- mineral rights
- statutory interpretation
- federal courts
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- remedies

QUESTIONS PRESENTED

1. Whether the Federal Mineral Leasing Act of 1920 provides political subdivisions of a state an implied private cause of action to challenge the state's allocation of federal mineral royalties received under the Act.
2. Whether the Act's express enforcement scheme and the Eleventh Amendment preclude the plaintiffs' requested prospective relief against the State and its officials.

HOLDINGS

1. The Federal Mineral Leasing Act does not create an implied private cause of action in favor of political subdivisions seeking to challenge a state's allocation of federal mineral royalties.
2. The plaintiffs could not obtain the requested judicial relief because § 191(a) provides no manageable standards for directing the State's allocation decisions, and requiring the state legislature to enact a particular law would improperly intrude on state sovereignty.
3. The court would not supplement the Federal Mineral Leasing Act's express enforcement scheme with the plaintiffs' proposed implied action against the State or its officials.

KEY QUOTATIONS

“Absent Congressional intent to create both a right and a remedy in favor of a plaintiff, a cause of action does not exist.” (527 F.3d at 1063)

“The right which Plaintiffs assert and which § 191 purportedly protects is so indeterminate that any effort to enforce it by essentially telling the State legislature to “pass a statute” Plaintiff’s requested remedy would strain judicial competence and represent an unwarranted intrusion upon State sovereignty in tension with the Tenth Amendment.” (527 F.3d at 1064)

“At this point, Plaintiffs’ remedy lies in the political process rather than the judicial arena.” (527 F.3d at 1065)

FACTUAL BACKGROUND

Cuba and Lea Soil and Water Conservation Districts alleged that federal mineral development affected them socially or economically and that New Mexico, which received federal mineral royalties under the Federal Mineral Leasing Act, provided them no share of those royalties. New Mexico law directed most money received under the Act to the public school fund. The districts sought prospective injunctive relief requiring the State Treasurer to stop violating federal law until the state legislature enacted legislation giving impacted subdivisions priority in receiving federal mineral royalties.

PROCEDURAL HISTORY

The soil and water conservation districts sued the New Mexico State Treasurer and the State of New Mexico, alleging that the State violated the Federal Mineral Leasing Act by failing to distribute a share of federal mineral royalties to them. The district court held that the Federal Mineral Leasing Act did not provide the plaintiffs an implied private cause of action and dismissed the complaint under Rule 12(b)(6). The Tenth Circuit reviewed de novo and affirmed.

DISPOSITION

affirmed

CASES CITED

- Pace v. Swerdlow, 519 F.3d 1067, 1073 (10th Cir. 2008)
- Boswell v. Skywest Airlines, Inc., 361 F.3d 1263, 1267, 1269-70 (10th Cir. 2004)
- Alexander v. Sandoval, 532 U.S. 275, 286, 288, 290 (2001)
- Universities Research Ass'n v. Coutu, 450 U.S. 754, 771 (1981)
- California v. Sierra Club, 451 U.S. 287, 294 (1981)
- Gonzaga University v. Doe, 536 U.S. 273, 280 (2002)
- New York v. United States, 505 U.S. 144, 162 (1992)
- Transamerica Mortgage Advisors, Inc. v. Lewis, 444 U.S. 11, 19 (1979)
- Ex parte Young, 209 U.S. 123 (1908)
- Seminole Tribe v. Florida, 517 U.S. 44, 73-76 & n.17 (1996)
- Edelman v. Jordan, 415 U.S. 651, 663-71 (1974)
- Pullman v. Chorney, 712 F.2d 447, 449 (10th Cir. 1983)