

No. 08-1438

IN THE
Supreme Court of the United States

HARVEY LEROY SOSSAMON, III,
Petitioner,

v.

TEXAS, *ET AL.*,
Respondents.

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

**BRIEF AMICUS CURIAE OF
THE BECKET FUND FOR RELIGIOUS LIBERTY
IN SUPPORT OF PETITIONER**

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QUESTION PRESENTED

Whether an individual may sue a State or state official in his or her official capacity for damages for violations of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.*

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INTEREST OF THE *AMICUS*¹

The Becket Fund for Religious Liberty is a non-profit, nonpartisan law firm dedicated to protecting the free expression of all religious traditions. The Becket Fund has represented agnostics, Buddhists, Christians, Hindus, Jains, Jews, Muslims, Santeros, Sikhs, and Zoroastrians, among others, in lawsuits across the country and around the world.

The Becket Fund has litigated numerous cases on behalf of prisoners under the Religious Land Use and Institutionalized Persons Act (RLUIPA). For example, the Becket Fund represented the prisoners in both *Benning v. Georgia*, 391 F.3d 1299 (11th Cir. 2004), and *Smith v. Allen*, 502 F.3d 1255 (11th Cir. 2007)—two of the Eleventh Circuit cases underlying the circuit split at issue here. It has represented the interests of Catholic, Greek Orthodox, Jewish, Muslim, Protestant, and Sikh prisoners in matters resolved both prior to and during litigation. The Becket Fund also served as lead counsel for a coalition of over 50 civil rights and religious groups in *Cutter v. Wilkinson*, 544 U.S. 709 (2005), submitting an *amicus* brief defending the constitutionality of RLUIPA. And it currently represents a prisoner in the Texas prison system who seeks kosher dietary accommodations that Texas has thus far refused to provide.

¹ The parties have consented to the filing of this brief. As required by Rule 37.6, *Amicus* states that no counsel for a party authored this brief in whole or in part, and no person other than the *Amicus* and its counsel made any monetary contribution intended to fund the preparation or submission of this brief.

The Becket Fund submits this brief to explain how RLUIPA’s authorization of damages is not only clear, but critical to achieving the statute’s goals. Without the possibility of damages—even nominal damages—prisoners are left at the mercy of state prison systems, which can (and do) easily moot meritorious claims by providing temporary religious accommodations. Recognition of damages under RLUIPA will have a negligible effect on state coffers, but a profound effect on the fundamental right RLUIPA was designed to protect.

INTRODUCTION AND SUMMARY OF ARGUMENT

I. Everyone agrees that Texas waived its sovereign immunity to suits for “appropriate relief” under RLUIPA. Br. in Opp. 12-13. Everyone also agrees that, in the absence of sovereign immunity, “appropriate relief” includes compensatory and nominal damages. Br. in Opp. 13. The only question is whether the inclusion of compensatory and nominal damages in the term “appropriate relief” was clear enough to put Texas on notice that it faced potential liability.

RLUIPA is plenty clear. “Appropriate relief” appears over 100 times in the United States Code, and Congress routinely uses that term to encompass compensatory and nominal damages. This conclusion is also strengthened by RLUIPA’s structure and legislative history. And Texas’s own code repeatedly uses the phrase “appropriate relief” to include monetary damages. Thus, Texas had ample notice that RLUIPA authorized suits for damages.

II. RLUIPA’s authorization of damages serves a narrow—but critical—purpose. It ensures that in-

mates have some way to vindicate the rights guaranteed by Congress. The waiver of immunity is exceedingly narrow because the Prison Litigation Reform Act bars almost all monetary relief except nominal damages. These nominal damages serve not to enrich plaintiffs, but to vindicate fundamental rights. Nominal damages preserve cases from mootness, a frequent occurrence in prison litigation. Without nominal damages to keep claims live, States are encouraged to engage in gamesmanship and to moot meritorious claims. And because nominal damages have only a *de minimis* effect on state coffers, they do not undermine the purposes of the Eleventh Amendment.

In sum, RLUIPA’s waiver is not only clear, it is necessary to carry out Congress’s purpose.

ARGUMENT

I. The phrase “appropriate relief” put Texas on notice that RLUIPA authorizes compensatory and nominal damages.

By accepting federal funds, it is undisputed that Texas waived its sovereign immunity to suits for “appropriate relief” under RLUIPA. *Pennhurst State Sch. and Hosp. v. Halderman*, 451 U.S. 1, 17 (1981); Br. in Opp. 12-13. It is also undisputed that—as a matter of statutory interpretation—the term “appropriate relief” includes compensatory and nominal damages. Br. in Opp. 13 (“monetary relief may very well be ‘appropriate’” where defendant is a county or municipality). The remaining dispute is over whether the phrase “appropriate relief” is also clear enough to put Texas on notice about the remedies RLUIPA provides.

It is. As explained below, Congress has routinely used “appropriate relief” elsewhere in the United States Code to indicate the availability of compensatory and nominal damages. Texas uses that term the same way in its own statutes. The structure and history of RLUIPA also confirm the meaning of the term. And Texas is charged with knowing that damages have been awarded under the land use provisions of RLUIPA. Thus, RLUIPA is sufficiently clear to put Texas on notice that accepting federal funds would subject it to suits for damages.

A. Congress has routinely used the term “appropriate relief” to include compensatory and nominal damages.

A review of the United States Code indicates that Congress routinely uses the term “appropriate relief” to indicate the availability of compensatory and nominal damages. “Appropriate relief” occurs in 120 sections of the United States Code.² Table 1 provides an overview of how the term has been used. The Appendix offers a more detailed, annotated version.

² A Westlaw search for “appropriate relief” in the “USC” database yields 151 results, but thirty-one of these results are from sources other than the United States Code, such as the Code of Federal Regulations or court rules. Additionally, sixteen of the 120 sections occur in the Administrative Procedure Act (“APA”), which has its own definition of regulatory relief, thus rendering those fifteen instances irrelevant here.

Table 1

Forms of “Appropriate Relief”	#
Without modification	36
Excluding damages	2
“Including” or “Including, but not limited to”	47
Including compensatory damages	4
Including compensatory and exemplary or punitive damages	10
Including damages	4
Including compensatory, statutory, and punitive damages	1
Including monetary relief	1
Including punitive damages and civil penalties	3
Damages included in separate subsection	1
Including other forms of specialized relief	23
Administrative Procedure Act reference	16
“Other appropriate relief”	19
“[I]njunctive, declaratory, or other appropriate relief”	1
“[D]amages or secure an accounting or other appropriate relief”	1
“[D]amages or other appropriate relief”	1
Other forms of specialized relief including other appropriate relief	16
Total Appearances	120

A study of the use of “appropriate relief” in the United States Code indicates that it is an umbrella term routinely used to encompass nominal and compensatory damages. Thirty-six of the uses, including RLUIPA, use no modifying phrases (such as “including” or “excluding”). See App. In many of these instances, the context strongly supports a reading of “appropriate relief” that includes damages. See *Lewis v. United States*, 445 U.S. 55, 60-61 (1980) (without modification, a term is construed broadly). For instance, the Fair Housing Act authorizes “appropriate relief,” 42 U.S.C. § 3613(a)(1), which is understood to include damages. See, e.g., *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982) (plaintiffs had standing to sue for damages under Fair Housing Act).

More importantly, when Congress has modified the term “appropriate relief,” it has done so in a way that shows “appropriate relief” already includes damages. For example, to our knowledge, only twice has Congress authorized appropriate relief and then excluded a particular remedy from that term. And in both instances, Congress modified the term to *exclude damages*. See 15 U.S.C. § 797(a)(5) (authorizing “a civil action for appropriate relief,” but stating that “[n]othing in this paragraph shall authorize any person to recover damages”); 42 U.S.C. § 6395(e)(1) (authorizing “an action * * * for appropriate relief,” but stating that “[n]othing in this subsection shall authorize any person to recover damages”).

If Congress must modify the term to *exclude* damages, it stands to reason that “appropriate relief” must otherwise *include* damages. It also demonstrates that Congress knows how to exclude damages as a form of appropriate relief, should it so choose. Cf. *Hardt v. Reliance Standard Life Ins. Co.*, 130

S.Ct. 2149, 2156 (2010) (contrasting paragraphs in ERISA show that “Congress knows how to impose express limits” when it so intends).³

Similarly, forty-seven other uses of “appropriate relief” add the modifiers “including,” or “including but not limited to,” indicating that the term “appropriate relief” encompasses specific types of relief. Twenty-three of these provisions include some form of damages, and another includes “monetary relief.” See App. The word “including” is commonly understood to serve an “illustrative and not limitative” function. *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 577 (1994); see also *Federal Land Bank of St. Paul v. Bismarck Lumber Co.*, 314 U.S. 95, 100 (1941) (“[T]he term ‘including’ is not one of all-embracing definition, but connotes simply an illustrative application of the general principle.”); *Black’s Law Dictionary* 777-78 (8th ed. 2004) (“The participle *including* typically indicates a partial list * * * . But some drafters use phrases such as *including without limitation* and *including but not limited to*—which mean the same thing.”). In other words, when Congress says “appropriate relief, including damages,” that means that “damages” is an illustrative example of the larger category of “appropriate relief”—confirming that Congress understands damages to be included within the phrase “appropriate relief.”

³ Congress has also demonstrated that it knows how to avoid waivers of sovereign immunity when needed. See 18 U.S.C. § 2346 (authorizing “appropriate relief,” but stating, “Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government, or an Indian tribe * * * or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government, or an Indian tribe.”).

Nor can it be surprising to Texas that Congress would use “appropriate relief” to provide for compensatory and nominal damages; that is just how this Court has used the term. As the Petitioners have explained, Pet. Br. 14-15, in *Franklin v. Gwinnett County Public Sch.*, this Court read the term “appropriate relief” into Title IX of the Civil Rights Act and concluded that “appropriate relief” included compensatory and nominal damages. 503 U.S. 60, 73 (1992). Only months later, Congress purposely incorporated the “appropriate relief” language into RFRA, which later carried over verbatim into RLUIPA. The most logical conclusion is that Congress intended to include damages in RLUIPA by invoking the term “appropriate relief”—a term that included damages in *Franklin*.

Moreover, Texas can hardly claim ignorance of the meaning of “appropriate relief” when its own laws use the term the same way Congress does. See, e.g., Tex. Prop. Code Ann. § 301.112(a) (“the commission may order the appropriate relief, including actual damages, reasonable attorney fees, court costs, and other injunctive or equitable relief”); Tex. Civ. Prac. & Rem. Code Ann. § 96.002(b) (“A person who is liable under Subsection (a) is liable * * * for damages and any other appropriate relief”). In fact, the Texas Attorney General himself is charged with enforcing the Texas fair housing laws by asking courts to “award other appropriate relief, including monetary damages, reasonable attorney fees, and court costs.” Tex. Prop. Code Ann. § 301.132(b)(2).

B. Other provisions of RLUIPA indicate that “appropriate relief” includes compensatory and nominal damages.

Other provisions of RLUIPA confirm that “appropriate relief” includes compensatory and nominal damages. First, in the same section authorizing private parties to bring an action against a State for “appropriate relief,” RLUIPA authorizes the federal government to bring an action for “injunctive or declaratory relief.” 42 U.S.C. § 2000cc-2(a), (f). Under the Fifth Circuit’s reasoning, these two phrases mean the same thing. But why would Congress authorize identical relief using two completely different phrases? The better understanding is that “differing language in * * * two subsections [does not have] the same meaning,” *Russello v. United States*, 464 U.S. 16, 23 (1983), and that “appropriate relief” is broader than just “injunctive or declaratory relief.” See also Pet. Br. 21.

Second, RLUIPA provides that “nothing in this [statute] shall be construed to amend or repeal the Prison Litigation Reform Act of 1995.” 42 U.S.C. § 2000cc-2(e). One of the primary purposes of the PLRA was to limit damages awards to prisoners. Pet. Br. 22-23. Thus, the implication of this provision is that Congress knew it was authorizing damages, but did not want to disturb the damages limitations in the PLRA.

Third, RLUIPA contains a rule of construction stating that “[t]his Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this [Act] and the Constitution.” 42 U.S.C. § 2000cc-3(g). This provision, too, counseled Texas against giving the term

“appropriate relief” an unnecessarily narrow interpretation.

C. RLUIPA’s legislative history unambiguously indicates that “appropriate relief” includes compensatory and nominal damages.

RLUIPA’s legislative history also put Texas on notice that “appropriate relief” includes compensatory and nominal damages. Before passing RLUIPA, Congress considered the remedies that would be granted. As part of the congressional record, Douglas Laycock, professor and author of the leading casebook on remedies, *Modern American Remedies: Cases and Materials* (3d ed. 2002), presented written testimony to the House Subcommittee on the Constitution and to the Senate Judiciary Committee on the bill that ultimately became RLUIPA. His analysis explained that “appropriate relief includes declaratory judgments, injunctions and *damages*.” *Religious Liberty Protection Act: Hearing on H.R. 1691 Before the Subcomm. on the Constitution of the House Comm. on the Judiciary*, 106th Cong. 219 (May 12, 1999) (statement of Douglas Laycock, Professor, University of Texas Law School) (emphasis added). This is further evidence that Congress intended “appropriate relief” to carry its established meaning and to authorize suits for compensatory and nominal damages.

D. Texas cannot claim ignorance of damages awards in RLUIPA land use cases.

Texas also cannot claim ignorance of RLUIPA damages awards. Two circuits have acknowledged their existence in land use cases. *Lighthouse Institute for Evangelism, Inc. v. City of Long Branch*, 510 F.3d

253, 273 (3d Cir. 2007) (remanding for award of compensatory damages); *Petra Presbyterian Church v. Village of Northbrook*, 489 F.3d 846, 849-50 (7th Cir. 2007) (finding damages available, but time-barred). Several cases involve published jury verdicts for damages. See, e.g., *Reaching Hearts Int'l, Inc. v. Prince George's County*, 368 F. App'x 370 (4th Cir. 2010) (affirming verdict including \$3,714,822.36 in damages); *Chabad of Nova, Inc. v. City of Cooper City*, No. 0:07-cv-60738 (S.D. Fla. Aug. 8, 2008) (jury verdict for \$325,750 in damages). And courts routinely rely on land use cases to interpret RLUIPA's prisoner provisions (and vice versa).⁴ See, e.g., *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338, 348 (2d Cir. 2007) (citing prisoner case); *Living Water Church of God v. Charter Twp. of Meridian*, 258 F. App'x 729, 736-37 (6th Cir. 2007) (same); *Smith v. Allen*, 502 F.3d 1255, 1277 (11th Cir. 2007) (citing land use case); *Lovelace v. Lee*, 472 F.3d 174, 187 (4th Cir. 2006) (same).

It is inevitable that the two halves of RLUIPA would be interpreted in tandem, since both share the unique “substantial burden” provision,⁵ 42 U.S.C.

⁴ Thus, the Court's decision in this case may have a significant effect on how lower courts interpret RLUIPA's land use provisions.

⁵ As Petitioner notes, Pet. Br. 38-43, RLUIPA's “substantial burden” provisions, like the substantial burden provision of the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1(a), prohibit not just discrimination, but also a wide variety of unintentional burdens on religious exercise. See *City of Boerne v. Flores*, 521 U.S. 507, 534-35 (1997). Courts must examine whether government has placed an objective burden—a prohibition, a penalty, a fine—on the particular religious exercise the particular claimant wishes to engage in. See, e.g., *Spratt v. R.I. Dep't of Corr.*, 482 F.3d 33 (1st Cir. 2007) (rejecting the argument that a burden on preaching was insubstantial because the

§§ 2000cc(a)(1), 2000cc-1(a), and both share the “appropriate relief” remedies section, 42 U.S.C. § 2000cc-2(a). Thus, if Texas is on notice that courts have uniformly interpreted “appropriate relief” to include damages in the land use context, it also has adequate notice that “appropriate relief” includes damages in the prisoner context.

II. In the unique context of prisoner litigation, RLUIPA’s authorization of compensatory and nominal damages serves a narrow but important purpose.

RLUIPA’s authorization of compensatory and nominal damages is narrow but important. It is narrow because the PLRA bars the vast majority of suits for compensatory damages; thus as a practical matter RLUIPA primarily authorizes suits for nominal damages. But nominal damages are crucial because they allow inmates to preserve meritorious claims against mootness—a very common phenomenon in the prison context, and a significant barrier to the protection RLUIPA was intended to provide.

A. RLUIPA’s authorization of compensatory and nominal damages is narrow because the PLRA protects States from the vast majority of damages suits.

RLUIPA’s authorization of compensatory and nominal damages poses little threat to state treasuries because the availability of damages is “severely circumscribed” by the PLRA. *Smith*, 502 F.3d at 1271. Under the PLRA, “[n]o Federal civil action may

plaintiff could engage in other forms of religious exercise); *Cf. Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 430-431 (2006) (substantial burden measured “to the person”).

be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.” 42 U.S.C. § 1997e(e). Since most RLUIPA claims do not involve physical injury, most are ineligible for compensatory damages. See, e.g., *Mayfield v. Tex. Dep’t of Criminal Justice*, 529 F.3d 599, 605 (5th Cir. 2008); *Koger v. Bryan*, 523 F.3d 789, 804 (7th Cir. 2008); but see *Cardinal v. Metrish*, 564 F.3d 794 (6th Cir. 2009) (claim for compensatory damages where denial of kosher diet led inmate to go without food for eight days).⁶

But the PLRA does not bar claims for nominal damages. See, e.g., *Fegans v. Norris*, 537 F.3d 897, 908 (8th Cir. 2008). That means that if a RLUIPA claim involves damages at all, the claim will likely be limited to nominal damages. Thus, by accepting federal funds, States are not exposing themselves to significant damages liability; they are waiving their sovereign immunity only in the narrowest sense.

⁶ *Cardinal* is the unusual case in which a RLUIPA violation, standing alone, might permit compensatory damages. In most cases of physical harm or force, the physical harm alone would be actionable, meaning that RLUIPA adds little. See, e.g., *Bryant v. Rich*, 530 F.3d 1368 (11th Cir. 2008) (prisoners subjected to violence by guards); *Bell v. Konteh*, 450 F.3d 651 (6th Cir. 2006) (§ 1983 action for failure to protect prisoner from violence by other prisoners). As the *Cardinal* dissent recognized, damages for physical harm might be available in that case, but would depend upon further development of the record. See *Cardinal*, 564 F.3d at 803-04 (Clay, J., dissenting).

B. RLUIPA’s authorization of compensatory and nominal damages is important because it prevents States from gaming RLUIPA by voluntarily mootng suits for injunctive relief.

RLUIPA’s narrow authorization of nominal damages serves a vital purpose: the preservation of claims. As this Court explained in *Carey v. Phipus*, nominal damages are appropriate in cases where the plaintiff alleges the violation of an absolute right. 435 U.S. 247, 266–67 (1977). Their purpose is not to compensate the plaintiff, but to “mak[e] the deprivation of such rights actionable” in the absence of a compensable injury. *Ibid.*; see also *Amato v. City of Saratoga Springs*, 170 F.3d 311, 317, 319 (2d Cir. 1999) (nominal damages “guarantee that unconstitutional acts remain actionable”). A valid claim of nominal damages also typically defeats a claim of mootness. 13C Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice & Procedure* § 3533.3 (3d ed. 2008).

Mootness is a serious issue in prisoner cases. States may provide or deny inmates religious accommodations at will, and may transfer inmates among units with different rules and accommodations at almost any time. See, e.g., *Meachum v. Fano*, 427 U.S. 215, 228 (1976) (prisoner’s interest in remaining at a particular prison “is too ephemeral and insubstantial to trigger procedural due process protections” because under state law “prison officials have discretion to transfer him for whatever reason or for no reason at all”). This makes it very easy for a defendant government to moot a prisoner case. Releasing a prisoner from custody, transferring him to a new unit, or temporarily granting a religious ac-

commodation can all moot a prisoner's case. See Br. for *Amici Curiae* American Civil Liberties Union, *et al.* at 9. Moreover, the typical exceptions to mootness doctrine—voluntary cessation and capable of repetition but evading review—are much weaker in the prison context. See *infra*. Thus, claims for nominal damages are necessary to ensure that RLUIPA's protections are given full effect.

C. Texas and other States already engage in RLUIPA gamesmanship.

Nominal damages are particularly important to keep prison systems from strategically using mootness to their advantage. Two recent cases from Texas illustrate this point.

In *Baranowski v. Hart*, 486 F.3d 112 (5th Cir. 2007), and *Moussazadeh v. Tex. Dep't of Criminal Justice*, No. 3:07-CV-00574 (S.D. Tex. filed Oct. 12, 2005), two different prison inmates filed suit under RLUIPA, each challenging Texas's refusal to provide Jewish inmates with kosher food. *Baranowski* involved a *pro se* plaintiff who entered the system as Catholic, then changed his religious designation to Jewish and sued to receive kosher meals. After the close of briefing on the appeal, he changed his religious designation again, this time from "Jewish" to "no preference." See Advisory Letter Referencing Mot. to Intervene at 1, *Baranowski v. Hart*, No. 05-20646 (5th Cir. June 4, 2007). While the appeal was pending, Texas began developing a policy to provide Jewish inmates with kosher food. *Id.* at 2. Nevertheless, Texas neglected to inform the Fifth Circuit of either of these important developments, and the Fifth Circuit issued a judgment in favor of the State. *Baranowski v. Hart*, 486 F.3d 112 (5th Cir. 2007).

Upon learning of the Fifth Circuit's decision, Aleph Institute and Jewish Prisoner Services International, which both advocate on behalf of Jewish inmates, petitioned to intervene in the case and filed a suggestion of mootness. See Mot. to Intervene, *Baranowski v. Hart*, No. 05-20646 (5th Cir. May 21, 2007).⁷ But Texas vigorously opposed the suggestion of mootness, arguing that neither the plaintiff's abandonment of Judaism nor Texas's own new kosher food program mooted the case. See Advisory Letter Referencing Mot. to Intervene at 2-3, *Baranowski v. Hart*, No. 05-20646 (5th Cir. June 4, 2007). The Fifth Circuit denied the motion to intervene, and the case stands as binding precedent.

While *Baranowski* was pending, another Jewish inmate was pursuing an identical challenge to the denial of kosher food in *Moussazadeh*. There, the plaintiff retained *Amicus* and Latham & Watkins, L.L.P., and the case was stayed while the parties engaged in settlement negotiations. See Order Granting Mot. To Stay, *Moussazadeh v. Tex. Dep't of Criminal Justice*, No. 3:07-CV-00574 (S.D. Tex. Apr. 12, 2006). When negotiations broke down, plaintiff's counsel requested a status conference and informed the State that plaintiff would request the stay be lifted. Opening Br. of Plaintiff-Appellant Max Moussazadeh at 11, *Moussazadeh v. Tex. Dep't of Criminal Justice*, No. 09-40400 (5th Cir. June 16, 2009). Five minutes before the conference, Texas informed plaintiff's counsel that he would be transferred to a different unit and would be provided kosher food. *Ibid.* It transferred him two days later and was already in

⁷ *Amicus* represented Aleph Institute and Jewish Prisoner Services International.

the process of setting up a kosher kitchen when the *Baranowski* case was decided. *Ibid.*

After the *Baranowski* decision, Texas moved to dismiss *Moussazadeh* as moot, arguing that the plaintiff was now receiving kosher food and would no longer be denied kosher food in the future. *Moussazadeh v. Tex. Dep't of Criminal Justice*, 2009 WL 819497, at *7 (S.D. Tex. Mar. 26, 2009). In doing so, it took precisely the opposite position on mootness to the one it took in *Baranowski*. It also moved to dismiss under Rule 12(b)(6), arguing that plaintiff's claim was foreclosed in light of *Baranowski*. See *ibid.* The district court dismissed the case as moot, and the inmate appealed. See *id.* at *9-11.

Shortly before oral argument in the Fifth Circuit, Texas transferred the inmate to a different, non-kosher unit due to a disciplinary infraction. See Supplemental Authorities filed by Appellant, *Moussazadeh v. Tex. Dep't of Criminal Justice*, No. 09-40400 (5th Cir. Dec. 22, 2009); Response/Opposition to 28j Letter at 1, *Moussazadeh v. Tex. Dep't of Criminal Justice*, No. 09-40400 (5th Cir. Jan. 6, 2010). Texas then admitted that the case was no longer moot, but asked the Fifth Circuit not to rule on the merits, but instead dismiss the appeal and remand to the district court for an analysis under *Baranowski*. *Ibid.* The Fifth Circuit remanded the case for development of the record and rulings on the merits by the district court. *Moussazadeh v. Tex. Dep't of Criminal Justice*, 364 F. App'x 110 (5th Cir. 2010).

Through its strategic use of mootness, then, Texas has been able to obtain a valuable precedent against a *pro se* plaintiff in *Baranowski*, while avoiding even

a single deposition in *Moussazadeh* for almost five years. Nor is this an isolated incident in Texas. In this very case, Texas mooted Sossamon's cell restriction claim in the Fifth Circuit by changing its policy on the eve of oral argument. *Sossamon v. Lone Star State of Tex.*, 560 F.3d 316, 324-26 (5th Cir. 2009).

A similar case of gamesmanship occurred in *Guzzi v. Thompson*, 470 F. Supp. 2d 17 (D. Mass. 2007). There, Massachusetts denied a *pro se* inmate kosher food because he was not certified as Jewish, and the district court ruled in favor of the State. *Id.* at 19-20. On appeal, *Amicus* became involved as an *amicus curiae* arguing the case in lieu of the plaintiff. After oral argument in the First Circuit, the State reversed course and decided to provide kosher food. *Guzzi v. Thompson*, 2008 WL 2059321, at *1 (1st Cir. May 14, 2008). It then moved to moot his appeal before any decision could issue. See Notice to the Court Regarding Equitable Relief, *Guzzi v. Thompson*, No. 07-1537 (1st Cir. Apr. 18, 2008). The First Circuit agreed, dismissing the appeal as moot and vacating the decision below. *Guzzi*, 2008 WL 2059321, at *1. But as the record shows, it was not until the First Circuit *sua sponte* contacted and appointed *Amicus* to act as *amicus* counsel that the State chose to reverse course and provide an accommodation, rather than litigate the claim to completion.

As these cases illustrate, States often attempt to use mootness to their advantage, litigating to judgment against weaker claims brought by *pro se* inmates, while avoiding stronger claims backed by experienced counsel. This gamesmanship deprives courts of the benefit of "sharply presented issues" with "self-interested parties vigorously advocating opposing positions." *Grant ex rel. Family Eldercare v.*

Gilbert, 324 F.3d 383, 390 (5th Cir. 2003). It also gives States the benefit of favorable precedent obtained in poorly litigated cases, while leaving them free in mooted cases to “resume the complained-of activity without fear of flouting the mandate of a court.” *Sossamon*, 560 F.3d at 324. In short, it allows States to pick and choose their opponents.

D. Exceptions to mootness are often ineffective when the defendant is the government.

The typical exceptions to mootness doctrine are often insufficient to prevent States from using mootness to their advantage. Ordinarily, a defendant’s voluntary cessation of unlawful conduct does not moot a case unless the defendant bears the “heavy burden” of showing that “the allegedly wrongful behavior could not reasonably be expected to recur.” *Friends of the Earth, Inc. v. Laidlaw Env’tl. Servs., Inc.*, 528 U.S. 167, 189 (2000).

But courts routinely relax this requirement when the government asserts mootness. As the court below explained, “[C]ourts are justified in treating a voluntary governmental cessation of possibly wrongful conduct with some solicitude, mooting cases that might have been allowed to proceed had the defendant not been a public entity * * * .” *Sossamon*, 560 F.3d at 325 (citations omitted). This is because “government actors in their sovereign capacity and in the exercise of their official duties are accorded a presumption of good faith * * * . Without evidence to the contrary, [the court] assume[s] that formally announced changes to official governmental policy are not mere litigation posturing.” *Ibid.* Numerous courts

have reached the same conclusion.⁸ Thus, when it comes to prisoner litigation, the doctrine of voluntary cessation has proven to be an inadequate check on government gamesmanship.

The same is true of claims that a case is not moot because the government's conduct is "capable of repetition, yet evading review." *Davis v. Fed. Election Comm'n*, 128 S. Ct. 2759, 2764 (2008). This exception applies where "(1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration; and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again." *Ibid.* (internal quotation omitted). Inmates have a particularly difficult time proving that they satisfy this test because their conditions are entirely within the control of the State. States, not inmates, determine whether and how long a person is housed at a particular location or subject to particular policies. Inmates have no way to prove that a particular accommodation is temporary, or that a particular deprivation is likely to recur. See *Moussazadeh*, 2009 WL 819497, at *10 (dismissing

⁸ See 13C Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice & Procedure* § 3533.7 (3d ed. 2008) ("Courts are more apt to trust public officials than private defendants to desist from future violations."). See also *Troiano v. Supervisor of Elections in Palm Beach County, Fla.*, 382 F.3d 1276, 1283 (11th Cir. 2004) (stating that "when the defendant is not a private citizen but a government actor, there is a rebuttable presumption that the objectionable behavior will not recur"); *Mosley v. Hairston*, 920 F.2d 409, 415 (6th Cir. 1990) (voluntary cessation is treated differently "when the offending parties are government officials rather than private parties"); *Ragsdale v. Turnock*, 841 F.2d 1358, 1365 (7th Cir. 1988) ("[C]essation of the allegedly illegal conduct by government officials has been treated with more solicitude by the courts than similar action by private parties.").

this concern as “speculative”). Thus, this exception to mootness offers even less protection than does the doctrine of voluntary cessation.

In short, absent nominal damages, States have a powerful incentive to use mootness to their advantage, selectively litigating cases in a way that undermines the protections afforded under RLUIPA. Thus, nominal damages are a crucial piece of the “appropriate relief” puzzle, guaranteeing that States cannot avoid a ruling merely by offering a temporary accommodation on the eve of judgment.

E. RLUIPA’s authorization of compensatory and nominal damages is consistent with the purposes underlying Eleventh Amendment immunity.

RLUIPA’s narrow authorization of damages not only furthers its own purpose, it is also in keeping with the purpose of the Eleventh Amendment. The Eleventh Amendment exists both to “preven[t] federal-court judgments that must be paid out of a State’s treasury,” and to “avoid ‘the indignity of subjecting a State to the coercive process of judicial tribunals at the instance of private parties.’” *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 58 (1996) (quoting *Hess v. Port Auth. Trans-Hudson Corp.*, 513 U.S. 30, 48 (1994); *P. R. Aqueduct and Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 146 (1993)). Allowing a claim for nominal damages against Defendants would not violate either of the state interests protected by the Eleventh Amendment.

The Eleventh Amendment interest in protecting the state fisc is not undermined by RLUIPA because, as discussed above, its operation is almost entirely limited to nominal damages. The Eleventh Amend-

ment is not a blanket exemption from all suits that might affect the state treasury, however remotely. “[R]elief that serves directly to bring an end to a present violation of federal law is not barred by the Eleventh Amendment even though accompanied by a substantial ancillary effect on the state treasury.” *Papasan v. Allain*, 478 U.S. 265, 278 (1986); see also *Frew ex rel. Frew v. Hawkins*, 540 U.S. 431, 440 (2004) (ancillary powers include attorneys’ fees, consent decrees, and monetary penalties for failure to follow injunctions). Here, the argument is even stronger because the effect on the treasury would not be “substantial,” but negligible.

“Nominal damages are damages in name only.” Dan B. Dobbs, *Law of Remedies* § 3.3(2), at 221 (2d ed. 1993). Historically, “[t]he most obvious purpose [of nominal damages] was to obtain a form of declaratory relief in a legal system with no general declaratory judgment act.” Douglas Laycock, *Modern American Remedies: Cases and Materials* 561 (3d ed. 2002). Under *Carey*, their purpose is not compensation, but the vindication and preservation of fundamental rights. See 435 U.S. at 266-67.

Nominal damages here are therefore akin to prospective relief, which is available in the face of the Eleventh Amendment because “[r]emedies designed to end a continuing violation of federal law are necessary to vindicate the federal interest in assuring the supremacy of that law.” *Green v. Mansour*, 474 U.S. 64, 68 (1985). As a remedy targeted at enforcing federal rights, rather than draining the fisc, nominal damages do not trigger the same alarms as compensatory damages. Their purpose is to allow the district court to vindicate federal rights and serve as a predicate for prospective relief should the conduct recur.

The second interest of the Eleventh Amendment—preventing States from “being haled into federal court”—is also not a concern here. *Fresenius Med. Care Cardiovascular Res., Inc. v. Puerto Rico*, 322 F.3d 56, 63 (1st Cir. 2003) (citing *Fed. Mar. Comm’n v. S.C. State Ports Auth.*, 535 U.S. 743, 760 (2002)). It is undisputed that by accepting federal funds Texas waived its immunity to suits under RLUIPA for “appropriate relief,” including declaratory judgments and injunctions. And if the State is willing to be haled into federal court for those types of relief, it adds no indignity to add one dollar of nominal damages.

CONCLUSION

For the foregoing reasons, the Court should reverse the decision below and conclude that prisoners may sue a State for compensatory and nominal damages under RLUIPA.

Respectfully submitted,

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APPENDIX

COMPILATION OF UNITED STATES CODE PROVISIONS
INCLUDING THE PHRASE “APPROPRIATE RELIEF”

Without Modification	
11 U.S.C. § 1509	(b)(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court;
15 U.S.C. § 3207	(a)(2) The Secretary may bring an action in any appropriate court of the United States to enforce his right to intervene under section 3205 of this title, and such court shall have jurisdiction to grant appropriate relief.
15 U.S.C. § 3601	(a) The Congress finds and declares that * * * (3) * * * in certain situations State governments are unable to provide appropriate relief; * * * appropriate relief from these abuses requires Federal action; * * * (b) The purposes of this chapter are to seek to minimize the adverse impacts of condominium and cooperative conversions particularly on the housing opportunities of low- and moderate-income and elderly and handicapped persons, to assure fair and equitable principles are followed in the establishment of condominium and cooperative opportunities, and to provide appropriate relief where long-term leases of recreation and other cooperative- and condominium-related facilities are determined to be unconscionable.

16 U.S.C. § 824K	(f)(3) Any determination under paragraph (1) shall be reviewable only in the appropriate court of the United States upon petition filed by any aggrieved person or municipality within 60 days after such determination, and such court shall have jurisdiction to grant appropriate relief. Any applicant who applied for and obtained the order under section 824i or 824j of this title, and any electric utility or other entity subject to such order shall have the right to intervene in any such proceeding in such court.
16 U.S.C. § 2633	(b)(1) The Secretary may bring an action in any appropriate court * * * and such court shall have jurisdiction to grant appropriate relief. (2) If any electric utility or electric consumer * * * and such court shall have jurisdiction to grant appropriate relief. * * * (c)(2) * * * and such court shall have jurisdiction to grant appropriate relief. * * * Any person (including the Secretary) may bring an action * * * in the appropriate court of the United States and such court shall have jurisdiction to grant appropriate relief.
18 U.S.C. § 1531	(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless

	the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.
18 U.S.C. § 3439	Motion to dismiss or for appropriate relief substituted for demurrer or dilatory plea or motion to quash, Rule 12.
21 U.S.C. § 830	(c)(4) Any person who is aggrieved by a disclosure of information in violation of this section may bring a civil action against the violator for appropriate relief.
25 U.S.C. § 954	(c) Reports by guardians; failure or refusal to report; fraudulent, capricious, arbitrary or grossly erroneous reports; prosecution; appropriate relief: If any person or entity required to do so by the Secretary fails or refuses to so report, or, if having reported, the Secretary concludes that any action connected therewith is fraudulent, or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, he may request the Attorney General to cause an action to be brought in the name of the United States in the United States District Court for the Central District of California or in any such district court having jurisdiction over the person, or persons, and subject matter, for such relief as may be appropriate, and said courts are hereby granted jurisdiction to hear and determine such action.
26 U.S.C. § 6015	(e)(1)(A) In general.--In addition to any other remedy provided by law, the individual may petition the Tax Court (and the Tax Court shall have

	jurisdiction) to determine the appropriate relief available to the individual under this section if such petition is filed--
29 U.S.C. § 667	(g) Judicial review of Secretary's withdrawal of approval or rejection of plan; jurisdiction; venue; procedure; appropriate relief; finality of judgment * * * Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision.
29 U.S.C. § 1132	(a) A civil action may be brought-- * * * (2) by the Secretary, or by a participant, beneficiary or fiduciary for appropriate relief under section 1109 of this title; * * * . (4) by the Secretary, or by a participant, or beneficiary for appropriate relief in the case of a violation of 1025(c) of this title; * * * . (9) * * * by any individual who was a participant or beneficiary at the time of the alleged violation, or by a fiduciary, to obtain appropriate relief, including the posting of security if necessary, to assure receipt by the participant or beneficiary of the amounts provided or to be provided by such insurance contract or annuity, plus reasonable prejudgment interest on such amounts
29 U.S.C. § 1303	(e)(1) Civil actions may be brought by the corporation for appropriate relief, legal or equitable or both, to enforce (A) the provisions of this subchapter, and (B)

	<p>in the case of a plan which is covered under this subchapter (other than a multiemployer plan) and for which the conditions for imposition of a lien described in section 1083(k)(1)(A) and (B) of this title or section 430(k)(1)(A) and (B) of Title 26 have been met, section 1082 of this title and section 412 of Title 26.</p>
<p>33 U.S.C. § 1415</p>	<p>(a) Assessment of civil penalty by Administrator; remission or mitigation; court action for appropriate relief--Any person who violates any provision of this subchapter, or of the regulations promulgated under this subchapter, or a permit issued under this subchapter shall be liable to a civil penalty of not more than \$50,000 for each violation to be assessed by the Administrator. In addition, any person who violates this subchapter or any regulation issued under this subchapter by engaging in activity involving the dumping of medical waste shall be liable for a civil penalty of not more than \$125,000 for each violation, to be assessed by the Administrator after written notice and an opportunity for a hearing.</p>
<p>38 U.S.C. § 7104</p>	<p>(d) Each decision of the Board shall include--(1) a written statement of the Board's findings and conclusions, and the reasons or bases for those findings and conclusions, on all material issues of fact and law presented on the record; and (2) an order granting appropriate relief or denying relief.</p>

42 U.S.C. § 2000E-8	(c) * * * If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.
42 U.S.C. § 2000E-16C	(b)(1) * * * If the Equal Employment Opportunity Commission determines that a violation has occurred, the final order shall also provide for appropriate relief.
42 U.S.C. § 2000CC-2	(c) Cause of action: A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.
42 U.S.C. § 2000BB-1	(c) A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.
42 U.S.C. § 3613	(a)(1)(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court

	<p>not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this subchapter, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.</p>
<p>42 U.S.C. § 3614</p>	<p>(b)(1)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 3610(g) of this title. * * *</p> <p>(2)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 3610(c) of this title. * * *</p> <p>(e) Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) of this section which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a</p>

	plaintiff in a civil action under section 3613 of this title.
42 U.S.C. § 5411	(a) * * * Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.
43 U.S.C. § 1337	(c)(4)(A) Nothing in this subsection shall restrict the power under any other Act or the common law of the Attorney General, the Federal Trade Commission, or any other Federal department or agency to secure information, conduct reviews, make recommendations, or seek appropriate relief.
43 U.S.C. § 1349	(a)(6) Except as provided in subsection (c) of this section, all suits challenging actions or decisions allegedly in violation of, or seeking enforcement of, the provisions of this subchapter, or any regulation promulgated under this subchapter, or the terms of any permit or lease issued by the Secretary under this subchapter, shall be undertaken in accordance with the procedures described in this subsection. Nothing in this section shall restrict any right which any person or class of persons may have under any other Act or common law to seek appropriate relief.
43 U.S.C. § 2011	(c) Jurisdiction of courts: An action under subsection (b) of this section shall

	<p>be barred unless a petition is filed within the time specified. Any such petition shall be filed in the appropriate United States district court. A copy of such petition shall be transmitted by the clerk of such court to the Secretary.</p> <p>Notwithstanding the amount in controversy, such court shall have jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided and to provide appropriate relief.</p>
46 U.S.C. § 2305	(c) The failure to give notice and opportunity to present views under subsection (b) of this section does not preclude the court from granting appropriate relief.
46 U.S.C. § 4311	(e) * * * The failure to give notice and provide the opportunity does not preclude the granting of appropriate relief by the district court.
47 U.S.C. § 543	(a)(5) Revocation of jurisdiction: If the Commission finds that the franchising authority has acted inconsistently with the requirements of this subsection, the Commission shall grant appropriate relief. If the Commission, after the franchising authority has had a reasonable opportunity to comment, determines that the State and local laws and regulations are not in conformance with the regulations prescribed by the Commission under subsection (b) of this section, the Commission shall revoke the jurisdiction of such authority.

47 U.S.C. § 546	(e)(2) The court shall grant appropriate relief if the court finds that-- * * * .
49 U.S.C. § 306	(e) When a matter is referred to the Attorney General under subsection (d)(2) of this section, or when the Attorney General has reason to believe that a person is engaged in a pattern or practice violating this section, the Attorney General may begin a civil action in a district court of the United States for appropriate relief.
49 U.S.C. § 5332	(e) Civil actions by Attorney General.-- The Attorney General may bring a civil action for appropriate relief when--(1) a matter is referred to the Attorney General under subsection (d)(2) of this section; or (2) the Attorney General believes a person is engaged in a pattern or practice in violation of this section.
49 U.S.C. § 30163	(b) Prior notice: Failure to give notice and an opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter does not prevent a court from granting appropriate relief.
49 U.S.C. § 32308	(d)(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.
49 U.S.C. § 32507	(c)(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.
15 U.S.C. § 3151	(c) Civil action by Attorney General: When a matter is referred to the

	Attorney General pursuant to subsection (b) of this section, or whenever the Attorney General has reason to believe that a recipient is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in the appropriate United States district court for any and all appropriate relief.
49 U.S.C. § 33115	(c)(2)(B) The failure of the Secretary to comply with subparagraph (A) of this paragraph does not prevent a court from granting appropriate relief.
Excluding Damages	
15 U.S.C. § 797	(5) Any person suffering legal wrong because of any act or practice arising out of any violation of subsection (a) of this section may bring a civil action for appropriate relief, including an action for a declaratory judgment or writ of injunction. United States district courts shall have jurisdiction of actions under this paragraph without regard to the amount in controversy. Nothing in this paragraph shall authorize any person to recover damages.
42 U.S.C. § 6395	(e)(1) Any person suffering legal wrong because of any act or practice arising out of any violation of any provision of this chapter described in paragraph (2), may bring an action in an appropriate district court of the United States without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of

	injunction. Nothing in this subsection shall authorize any person to recover damages.
Including or Including But Not Limited To	
<i>Including Compensatory Damages</i>	
6 U.S.C. § 1142	(5) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.
15 U.S.C. § 2087	(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.
49 U.S.C. § 42121	(b)(5) Enforcement of order by Secretary of Labor.--Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United

	States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.
49 U.S.C. § 60129	(b)(5) Enforcement of order by Secretary of labor.--Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.
<i>Including Compensatory and Exemplary or Punitive Damages</i>	
10 U.S.C. § 2409	(4) Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

42 U.S.C. § 300J-9	(i)(4) Whenever a person has failed to comply with an order issued under paragraph (2)(B), the Secretary shall file a civil action in the United States District Court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages.
42 U.S.C. § 7622	(d) Enforcement of order by Secretary: Whenever a person has failed to comply with an order issued under subsection (b)(2) of this section, the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages.
15 U.S.C. § 2622	(d) Enforcement: Whenever a person has failed to comply with an order issued under subsection (b)(2) of this section, the Secretary shall file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to

	grant all appropriate relief, including injunctive relief and compensatory and exemplary damages.
41 U.S.C. § 265	(c)(2) Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.
42 U.S.C. § 5851	(d) Whenever a person has failed to comply with an order issued under subsection (b)(2) of this section, the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages.
50 U.S.C. § 2702	(k)(2)(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.
18 U.S.C. § 248	(c)(1)(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive

	<p>relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation. * *</p> <p>* (2)(B) In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent * *</p> <p>* . (3)(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).</p>
18 U.S.C. § 2707	<p>(b) Relief.--In a civil action under this section, appropriate relief includes--(1) such preliminary and other equitable or declaratory relief as may be appropriate; (2) damages under subsection (c); and (3) a reasonable attorney's fee and other litigation costs reasonably incurred.</p> <p>(c) Damages.--The court may assess as damages in a civil action under this section the sum of the actual damages</p>

	suffered by the plaintiff * * *. If the violation is willful or intentional, the court may assess punitive damages. In the case of a successful action to enforce liability under this section, the court may assess the costs of the action, together with reasonable attorney fees determined by the court.
18 U.S.C. § 2252A	(f)(2) Relief.--In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including-- (A) temporary, preliminary, or permanent injunctive relief; (B) compensatory and punitive damages; and (C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.
<i>Including Damages</i>	
18 U.S.C. § 2346	(b)(2) A State, through its attorney general, or a local government, through its chief law enforcement officer (or a designee thereof), may in a civil action under paragraph (1) also obtain any other appropriate relief for violations of this chapter from any person (or by any person controlling such person), including civil penalties, money damages, and injunctive or other equitable relief. Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government, or an Indian tribe against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a

	State or local government, or an Indian tribe.
29 U.S.C. § 1855	(b) Proceedings: In any such action the United States district courts shall have jurisdiction, for cause shown, to restrain violation of subsection (a) of this section and order all appropriate relief, including rehiring or reinstatement of the worker, with back pay, or damages.
18 U.S.C. § 1716E	(1) In general.--A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of this section. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of this section to addressees in that State, locality, or tribal land.
25 U.S.C. § 450M-1	In an action brought under this paragraph, the district courts may order appropriate relief including money damages, injunctive relief against any action by an officer of the United States or any agency thereof contrary to this subchapter or regulations promulgated thereunder, or mandamus to compel an officer or employee of the United States, or any agency thereof, to perform a duty provided under this subchapter or regulations promulgated hereunder

	(including immediate injunctive relief to reverse a declination finding under section 450f(a)(2) of this title or to compel the Secretary to award and fund an approved self-determination contract).
<i>Including Compensatory, Statutory and Punitive Damages</i>	
18 U.S.C. § 2520	<p>(b) Relief.--In an action under this section, appropriate relief includes--(1) such preliminary and other equitable or declaratory relief as may be appropriate; (2) damages under subsection (c) and punitive damages in appropriate cases; and (3) a reasonable attorney's fee and other litigation costs reasonably incurred.</p> <p>(c) Computation of damages.--(1) In an action under this section * * * the court shall assess damages as follows:</p> <p>(A) If the person who engaged in that conduct has not previously been enjoined under section 2511(5) and has not been found liable in a prior civil action under this section, the court shall assess the greater of the sum of actual damages suffered by the plaintiff, or statutory damages of not less than \$50 and not more than \$500.</p> <p>(B) If, on one prior occasion, the person who engaged in that conduct has been enjoined under section 2511(5) or has been found liable in a civil action under this section, the court shall assess the greater of the sum of actual damages suffered by the plaintiff, or statutory damages of not less than \$100 and not</p>

	more than \$1000.
<i>Including Monetary Relief</i>	
42 U.S.C. § 3610	(b)(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.
<i>Including Punitive Damages and Civil Penalties</i>	
39 U.S.C. § 3018	(g)(2) Relief.--The court in a civil action under paragraph (1) may award appropriate relief, including a temporary or permanent injunction, civil penalties as determined in accordance with this section, or punitive damages.
49 U.S.C. § 5122	(a) General.--At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order, special permit, or approval issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Secretary in an administrative case under section 5123.
49 U.S.C. § 60120	(a)(1) Civil actions to enforce this chapter.--At the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to

	enforce this chapter, including section 60112, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties, considering the same factors as prescribed for the Secretary in an administrative case under section 60122.
<i>Damages Included in Separate Subsection</i>	
28 U.S.C. § 1875	(b) Any employer who violates the provisions of this section--(1) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of such violation; (2) may be enjoined from further violations of this section and ordered to provide other appropriate relief, including but not limited to the reinstatement of any employee discharged by reason of his jury service; and (3) shall be subject to a civil penalty of not more than \$5,000 for each violation as to each employee, and may be ordered to perform community service.
<i>Including Other Forms of Specialized Relief</i>	
47 U.S.C. § 555	(b) The court may award any appropriate relief consistent with the provisions of the relevant section described in subsection (a) of this section and with the provisions of subsection (a) of this section.
11 U.S.C. § 1521	(a) * * * the court may * * * grant any appropriate relief, including—(1) staying the commencement or continuation of an

	<p>individual action or proceeding * * * (2) staying execution against the debtor's assets * * * (3) suspending the right to transfer, encumber or otherwise dispose of any assets * * * (4) providing for the examination of witnesses, the taking of evidence or the delivery of information * * * (5) entrusting the administration or realization of all or part of the debtor's assets * * * to the foreign representative * * * (6) extending relief granted under section 1519(a); and (7) granting any additional relief that may be available to a trustee, except for relief available under [other sections].</p>
<p>29 U.S.C. § 660</p>	<p>(c)(2) * * * In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.</p>
<p>46 U.S.C. § 2114</p>	<p>(b) A seaman discharged or otherwise discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including-- (1) restraining violations of this section; (2) reinstatement to the seaman's former position with back pay; and (3) an award of costs and reasonable attorney's fees to a prevailing plaintiff not exceeding \$1,000; and (4) an award of costs and</p>

	reasonable attorney's fees to a prevailing employer not exceeding \$1,000 if the court finds that a complaint filed under this section is frivolous or has been brought in bad faith.
19 U.S.C. § 1499	(c)(5)(C) Notwithstanding section 2639 of Title 28, once an action respecting a detention is commenced, unless the Customs Service establishes by a preponderance of the evidence that an admissibility decision has not been reached for good cause, the court shall grant the appropriate relief which may include, but is not limited to, an order to cancel the detention and release the merchandise.
15 U.S.C. § 719i	(c) Upon a request of such officer or agency, * * * the Attorney General may commence a civil action for appropriate relief, including a permanent or temporary injunction or a civil penalty not to exceed \$25,000 per day for violations of the compliance order issued under subsection (a) of this section. Any action under this subsection may be brought in any district court of the United States for the district in which the defendant is located, resides, or is doing business, and such court shall have jurisdiction to restrain such violation, require compliance, or impose such penalty or give ancillary relief.
16 U.S.C. § 973i	e) Upon a request by the Secretary, the Attorney General shall commence a civil action for appropriate relief, including

	<p>permanent or temporary injunction, to enforce any order issued by the Secretary under this section.</p>
<p>33 U.S.C. § 1319</p>	<p>(b) Civil actions: The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under subsection (a) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.</p> <p>(f) * * * [T]he Administrator may commence a civil action for appropriate relief, including but not limited to, a permanent or temporary injunction, against the owner or operator of such treatment works * * *. Such action shall be brought in the district court of the United States in the district in which the treatment works is located. Such court shall have jurisdiction to restrain such violation and to require the owner or operator of the treatment works and the owner or operator of the source to take such action as may be necessary to come into compliance with this chapter. Notice of commencement of any such action</p>

	shall be given to the State. Nothing in this subsection shall be construed to limit or prohibit any other authority the Administrator may have under this chapter.
33 U.S.C. § 1344	(s)(3) The Secretary is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction for any violation for which he is authorized to issue a compliance order under paragraph (1) of this subsection. Any action under this paragraph may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action [sic] shall be given immediately to the appropriate State.
33 U.S.C. § 1414B	(g)(3) The Administrator may request the Attorney General to commence a civil action for appropriate relief, including a temporary or permanent injunction and the imposition of civil penalties authorized by subsection (d)(1) of this section, for any violation of subsection (a)(1) of this section or of an order issued by the Administrator under this section.
33 U.S.C. § 1514	(b)(3) Upon a request by the Secretary, the Attorney General shall commence a civil action for appropriate relief, including a permanent or temporary injunction or a civil penalty not to exceed

	\$25,000 per day of such violation, for any violation for which the Secretary is authorized to issue a compliance order under paragraph (1) of this subsection.
42 U.S.C. § 300I	(a) * * * The action which the Administrator may take may include (but shall not be limited to) (1) issuing such orders as may be necessary to protect the health of persons who are or may be users of such system (including travelers), including orders requiring the provision of alternative water supplies by persons who caused or contributed to the endangerment, and (2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.
42 U.S.C. § 3544	(c)(3)(B) * * * Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.
42 U.S.C. § 6305	(a) If the court finds that the Secretary has failed to comply with a deadline established in section 6295 of this title, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.
42 U.S.C. § 6921	(b)(3)(B)(iv) * * * If such violation extends beyond the thirtieth day after the Administrator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may

	commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.
42 U.S.C. § 6928	(a)(1) * * * the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction. * * * (h)(1) * * * the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.
42 U.S.C. § 6991E	(a)(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this subchapter, the Administrator may issue an order requiring compliance within a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.
42 U.S.C. § 6992D	(a)(1) Violations: Whenever on the basis of any information the Administrator determines that any person has violated, or is in violation of, any requirement or prohibition in effect under this subchapter (including any requirement or

	<p>prohibition in effect under regulations under this subchapter) (A) the Administrator may issue an order (i) assessing a civil penalty for any past or current violation, (ii) requiring compliance immediately or within a specified time period, or (iii) both, or (B) the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction. Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation.</p>
42 U.S.C. § 9152	<p>(b)(1) Upon a request by the Administrator, the Attorney General shall commence a civil action for appropriate relief, including a permanent or temporary injunction, to halt any violation for which the Administrator is authorized to issue a compliance order under subsection (a)(2) of this section.</p>
42 U.S.C. § 14304	<p>(a)(2) * * * [I]n the case of any violation or failure to comply with an order issued under this section, may commence a civil action in the United States district court in the district in which the violation occurred or in the district in which the violator resides for appropriate relief, including a temporary or permanent injunction.</p>
46 U.S.C. § 80507	<p>(c) Enforcement.--The Secretary of Labor may investigate the complaint. If the Secretary of Labor finds there has been a</p>

	violation, the Secretary of Labor may bring a civil action in an appropriate district court of the United States. The court has jurisdiction to restrain violations of subsection (a) and order appropriate relief, including reinstatement of the employee to the employee's former position with back pay.
49 U.S.C. § 13902	(c)(7) Civil actions.--Either the Secretary or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.
50A U.S.C. § 2170	(d)(3) The President may direct the Attorney General of the United States to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this subsection.
Reference to the Administrative Procedure Act	
15 U.S.C. § 57a	(e)(3) Upon the filing of the petition under paragraph (1) of this subsection, the court shall have jurisdiction to review the rule in accordance with chapter 7 of Title 5 and to grant appropriate relief, including interim relief, as provided in such chapter.
15 U.S.C. § 1193	(e)(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to review the standard or regulation in accordance with chapter 7

	<p>of title 5 and to grant appropriate relief as provided in such chapter. The standard or regulation shall not be affirmed unless the findings required by the first sentence of subsection (b) of this section are supported by substantial evidence on the record taken as a whole. For purposes of this paragraph, the term “record” means the standard or regulation, any notice published with respect to the promulgation of such standard or regulation, the transcript required by subsection (d) of this section of any oral presentation, any written submission of interested parties, and any other information which the Commission considers relevant to such standard or regulation.</p>
<p>15 U.S.C. § 1262</p>	<p>(e)(3)(C) Upon the filing of the petition under this paragraph, the court shall have jurisdiction to review the determination of the Commission in accordance with subparagraphs (A), (B), (C), and (D), of paragraph (2) of the second sentence of section 706 of title 5. If the court ordered additional evidence to be taken under subparagraph (B) of this paragraph, the court shall also review the Secretary’s determination to determine if, on the basis of the entire record before the court pursuant to subparagraphs (A) and (B) of this paragraph, it is supported by substantial evidence. If the court finds the determination is not so supported, the</p>

	<p>court may set it aside. With respect to any determination reviewed under this paragraph, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of title 5.</p>
<p>15 U.S.C. § 1474</p>	<p>(b)(4) With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.</p>
<p>42 U.S.C. § 2022</p>	<p>(c)(2) * * * The court shall have jurisdiction to review the rule in accordance with chapter 7 of Title 5 and to grant appropriate relief as provided in such chapter.</p>
<p>42 U.S.C. § 5405</p>	<p>(a)(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to review the order in accordance with the provisions of sections 701 through 706 of Title 5, and to grant appropriate relief.</p>
<p>42 U.S.C. § 6306</p>	<p>(b)(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of Title 5 and to grant appropriate relief as provided in such chapter. No rule under section 6293, 6294, or 6295 of this title may be affirmed unless supported by substantial evidence.</p>
<p>42 U.S.C. § 7525</p>	<p>(b)(2)(B)(iv) Upon the filing of the petition referred to in clause (ii), the court shall have jurisdiction to review the</p>

	order in accordance with chapter 7 of Title 5 and to grant appropriate relief as provided in such chapter.
42 U.S.C. § 8412	(c)(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule, order, or denial in accordance with chapter 7 of Title 5, and to grant appropriate relief as provided in such chapter. No rule or order (or denial thereof) may be affirmed unless supported by substantial evidence.
49 U.S.C. § 31141	(f)(2) The court has jurisdiction to review the decision, grant, or denial and to grant appropriate relief, including interim relief, as provided in chapter 7 of title 5.
29 U.S.C. § 727	(3)(A)In general: Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction--(i) to grant appropriate relief as provided in chapter 7 of Title 5 [5 U.S.C.A. § 701 et seq.] except for interim relief with respect to a determination under subsection (c) of this section; and
15 U.S.C. § 2060	(c) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the consumer product safety rule in accordance with chapter 7 of Title 5, and to grant appropriate relief, including interim relief, as provided in such chapter. * * * (g)(3) Upon the filing of the petition under paragraph (2) of this subsection, the court shall have

	jurisdiction to review the rule in accordance with chapter 7 of Title 5, and to grant appropriate relief, including interim relief, as provided in such chapter.
15 U.S.C. § 2618	(c)(1)(A) Upon the filing of a petition under subsection (a)(1) of this section for judicial review of a rule, the court shall have jurisdiction (i) to grant appropriate relief, including interim relief, as provided in chapter 7 of Title 5 and (ii) except as otherwise provided in subparagraph (B), to review such rule in accordance with chapter 7 of Title 5.
21 U.S.C. § 360G	(c) Upon the filing of the petition under subsection (a) of this section for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of Title 5 and to grant appropriate relief, including interim relief, as provided in such chapter.
21 U.S.C. § 360KK	(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to review the regulation in accordance with chapter 7 of Title 5 and to grant appropriate relief as provided in such chapter.
21 U.S.C. § 387L	Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of Title 5, and to grant appropriate relief, including interim relief, as provided for

	in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of Title 5.
Or Other Appropriate Relief	
<i>Injunctive, Declaratory, or Other Appropriate Relief</i>	
2 U.S.C. § 437D	(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 437g (a)(8) of this title) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of title 26, through its general counsel;
<i>Damages or Secure an Accounting or Other Appropriate Relief</i>	
29 U.S.C. § 501	(b) When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) of this section and the labor organization or its governing board or officers refuse or fail to sue or recover damages or secure an accounting or other appropriate relief within a reasonable time after being requested to do so by any member of the labor organization, such member may sue such officer, agent, shop steward, or representative in any district court of the United States or in any State court of competent jurisdiction to recover damages or secure an accounting or other appropriate relief for the benefit of the labor organization.

<i>Damages or Other Appropriate Relief</i>	
33 U.S.C. § 2732	(d)(7) No Council shall be held liable under State or Federal law for costs or damages as a result of rendering advice under this section. Nor shall any advice given by a voting member of a Council, or program representative or agent, be grounds for estopping the interests represented by the voting Council members from seeking damages or other appropriate relief.
<i>Other Forms of Specialized Relief or Other Appropriate Relief</i>	
22 U.S.C. § 6303	The Attorney General may bring an action in an appropriate district court of the United States for injunctive and other appropriate relief with respect to-- (1) any violation of subsection (b) of this section; or (2) any order issued pursuant to subsection (c) of this section.
33 U.S.C. § 2236	(b)(3) On petition of the Attorney General or any other party, that district court may--(A) grant appropriate injunctive relief to restrain an action by that non-Federal interest violating the conditions of consent in subsection (a) of this section; (B) order the refund of any port or harbor dues not lawfully collected; and (C) grant other appropriate relief or remedy.
42 U.S.C. § 1320A-7A	(k) Whenever the Secretary has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject

	<p>to a civil monetary penalty under this section, the Secretary may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil monetary penalty if any such penalty were to be imposed or to seek other appropriate relief.</p>
<p>42 U.S.C. § 1320A- 8</p>	<p>(h) Injunction: Whenever the Commissioner of Social Security has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil monetary penalty under this section, the Commissioner of Social Security may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil monetary penalty and assessment if any such penalty were to be imposed or to seek other appropriate relief.</p>
<p>50A U.S.C. § 2409</p>	<p>(j)(3) If, within 20 days after a petition is filed under paragraph (2), the processing of the application has not been brought into conformity with the requirements of this section, or the application has been</p>

	<p>brought into conformity with such requirements but the Secretary has not so notified the applicant, the applicant may bring an action in an appropriate United States district court for a restraining order, a temporary or permanent injunction, or other appropriate relief, to require compliance with the requirements of this section. The United States district courts shall have jurisdiction to provide such relief, as appropriate.</p>
28 U.S.C. § 596	<p>(a)(3) Judicial review of removal.--An independent counsel removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia. A member of the division of the court may not hear or determine any such civil action or any appeal of a decision in any such civil action. The independent counsel may be reinstated or granted other appropriate relief by order of the court.</p>
29 U.S.C. § 659	<p>(c) * * * The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final thirty days after its issuance.</p>
29 U.S.C. § 794A	<p>(a)(1) The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), including the application of sections</p>

	<p>706(f) through 706(k) (42 U.S.C. 2000e-5(f) through (k)) (and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation), shall be available, with respect to any complaint under section 791 of this title, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action remedy under such section, a court may take into account the reasonableness of the cost of any necessary work place accommodation, and the availability of alternatives therefor or other appropriate relief in order to achieve an equitable and appropriate remedy.</p>
<p>30 U.S.C. § 815</p>	<p>(c)(2) * * * If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall immediately file a complaint with the Commission, with service upon the alleged violator and the miner, applicant for employment, or representative of miners alleging such discrimination or interference and propose an order granting appropriate relief. The Commission shall afford an opportunity for a hearing (in accordance with section 554 of Title 5 but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, affirming,</p>

	<p>modifying, or vacating the Secretary's proposed order, or directing other appropriate relief. Such order shall become final 30 days after its issuance.</p>
<p>42 U.S.C. § 1437D</p>	<p>(q)(7) Any applicant for, or tenant of, covered housing assistance affected by (A) a negligent or knowing disclosure of information referred to in this subsection about such person by an officer, employee, or authorized representative of any public housing agency, which disclosure is not authorized by this subsection, or (B) any other negligent or knowing action that is inconsistent with this subsection, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or tenant resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.</p>
<p>42 U.S.C. § 7193</p>	<p>(c) * * * The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's remedial order, or directing other appropriate relief, and such order</p>

	shall, for the purpose of judicial review, constitute a final agency action, except that enforcement and other judicial review of such action shall be the responsibility of the Secretary.
42 U.S.C. § 7413	(b) * * * Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred, or is occurring, or in which the defendant resides, or where the defendant's principal place of business is located, and such court shall have jurisdiction to restrain such violation, to require compliance, to assess such civil penalty, to collect any fees owed the United States under this chapter (other than subchapter II of this chapter) and any noncompliance assessment and nonpayment penalty owed under section 7420 of this title, and to award any other appropriate relief. * * *.
42 U.S.C. § 7545	(d)(2) The district courts of the United States shall have jurisdiction to restrain violations of subsections (a), (f), (g), (k), (l), (m), (n), and (o) of this section and of the regulations prescribed under subsections (c), (h), (i), (k), (l), (m), (n), and (o) of this section, to award other appropriate relief, and to compel the furnishing of information and the conduct of tests required by the Administrator under subsection (b) of this section.
45 U.S.C. § 231N	(j)(5)(F)The Railroad Retirement Board may bring a civil action-- * * * (ii) to

	obtain other appropriate relief to redress such violations, or to enforce any provisions of this subchapter.
45 U.S.C. § 823	(i) The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this subchapter, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.
47 U.S.C. § 1104	(l) The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this chapter, the regulations under this chapter, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.