

The Burger Court Opinion Writing Database

County of Imperial v. Munoz
449 U.S. 54 (1980)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

November 25, 1980

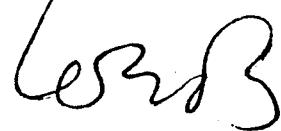
Re: No. 79-1003 Co. of Imperial, CA v. Munoz

Dear Potter:

I join.

My preference remains, as it was at Conference, to "DIG" this case. It seems to me that you have avoided a good many pitfalls in your draft, and if this equates to opaqueness, this is all to the good on the record before us.

Regards,



Justice Stewart

CC - The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

November 10, 1980

RE: No. 79-1003 County of Imperial v. Munoz

Dear John:

Enclosed is a dissenting statement I propose to file in the above. I would appreciate your comments before I print it and circulate it to the Conference.

Sincerely,



Mr. Justice Stevens



County of Imperial, California, et al., Petitioners

v.

Guillermo Gallego Munoz et al.

MR. JUSTICE BRENNAN, dissenting.

To vacate and remand to the Court of Appeals to determine whether respondents were "strangers to the state court proceeding" within the meaning of Hale v. Bimco Trading Co., 306 U.S. 375, 377-378 (1939), is to require the Court of Appeals to perform a task it undoubtedly has already performed. The Court of Appeals concluded that respondents' lawsuit did not contravene the Anti-Injunction Act, 28 U.S.C. 2283, and relied on Hale as a basis for its conclusion. Necessarily implicit in that conclusion was the court's judgment that the Hale test had in all pertinent respects been satisfied and that, accordingly, respondents were "strangers to the state court proceeding."

attached to WB 11/10/70

TO: Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Marshall
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Marshall
Mr. Justice Stewart

From: Mr. Justice

NOV 15 1980

Circulation

1st DRAFT

Recirculated

SUPREME COURT OF THE UNITED STATES

No. 79-1003

County of Imperial, California, et al., Petitioners, v. Guillermo Gallego Munoz et al. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[November —, 1980]

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The Court identifies nothing in the record to support a conclusion that respondents were not "strangers to the state court proceeding," apart, perhaps, from respondent Munoz's participation as *amicus curiae* before the California Supreme Court. Even if *amicus* status were sufficient to require Munoz's withdrawal as a party,² it is undisputed that neither

¹ The District Court similarly concluded that *Hale v. Bimco Trading Co.*, 306 U. S. 375 (1939), did not bar the instant lawsuit and thus necessarily also found that respondents were "strangers to the state court proceeding."

² The language of *Hale* quoted by the Court, *ante*, at 5, suggests that *amicus* status does not impair one's standing as a "stranger," since the Court contrasted an "independent suitor in the federal court" with "a

W.S.
Justice
Justice Stewart
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

Justice Brennan

dated:

NOV 17 1980

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1003

County of Imperial, California, et al., Petitioners,
v.
Guillermo Gallego Munoz et al. On Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit.

[November —, 1980]

JUSTICE BRENNAN, with whom JUSTICE STEVENS joins, dissenting.

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To: The Chief Justice
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

p. 2

From: Mr. Justice Brennan

Circulated: _____

Recirculated: NOV 16 1980

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1003

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Regd. Mr. Justice Stewart

Circulated: 11/07/1990

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1003

County of Imperial, California, et al., Petitioners, v. Guillermo Gallego Munoz et al. } On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[November —, 1980]

MR. JUSTICE STEWART delivered the opinion of the Court. The Anti-Injunction Act, 28 U. S. C. § 2283 provides:

"A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."

This case presents issues respecting the scope of that Act.

In 1972, Donald C. McDougal bought from W. Erle Simpson a tract of land in Imperial County, Cal. Although the tract was in a residential subdivision, the county's zoning ordinance allowed the tract's owner to develop its natural resources if he could obtain a conditional use permit. With the land, McDougal acquired such a permit, which allowed him to sell well water on the condition that it be sold only for use within the county. Simpson had never challenged that condition, nor had he ever sold much water from his well. Like Simpson, McDougal did not challenge the condition, but he did sell a good deal of water, and he sold some of it for use outside the county. McDougal's neighbors grew irritated by the many trucks carrying water from McDougal's

See pp. 5-6

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a Madise

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1003

County of Imperial, California, et al., Petitioners, v. Guillermo Gallego Munoz et al. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[November —, 1980]

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Supreme Court of the United States.

Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

November 5, 1980

Re: 79-1003 - County of Imperial,
CA v. Munoz

Dear Potter,

I join your opinion.

Sincerely yours,



Mr. Justice Stewart

Copies to the Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

November 17, 1980

Re: No. 79-1003 - County of Imperial, California,
et al., v. Munoz, et al.

Dear Bill:

Please add to your opinion, "Justice Marshall also dissents but would Dismiss the Writ as Improvidently Granted".

Sincerely,

JM •

T.M.

Justice Brennan

cc: The Conference

To: Mr. Justice Blackmun
Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens
Mr. Justice White
Mr. Justice Burger
Mr. Justice Souter
Mr. Justice Thomas

From: Mr. Justice Blackmun
Circulated: NOV 17 1980

No. 79-1003 - County of Imperial v. Munoz

Recirculated: _____

MR. JUSTICE BLACKMUN, concurring in the result.

For me, the Court's opinion is somewhat opaque. Perhaps it is intentionally so.

I agree with MR. JUSTICE BRENNAN that respondents were -- and were necessarily determined by the Court of Appeals to be -- "strangers to the state court proceeding," post, at 1, who were not bound by the state court litigation. No principle of res judicata evoked by the California litigation applies to them.

I join the Court in vacating the Court of Appeals' judgment and remanding the case, however, for I am troubled by that court's apparent misreading of Atlantic Coast Line R. Co. v.

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: Mr. Justice ~~Blackmun~~

Circulated: _____

Recirculated: NOV 18 1980

1st PRINTED DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1003

County of Imperial, California, On Writ of Certiorari to the
et al., Petitioners, } United States Court of
v. } Appeals for the Ninth
Guillermo Gallego Munoz et al. } Circuit.

[December —, 1980]

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I join the Court in vacating the Court of Appeals' judgment and remanding the case, however, for I am troubled by that court's apparent misreading of *Atlantic Coast Line R. Co. v. Locomotive Engineers*, 398 U. S. 281 (1970), and by its analysis of the effect of the Anti-Injunction Act, 28 U. S. C. § 2283, upon the particular facts of this case.

At the same time, I am disturbed by what seems to me to be the implication of this Court's opinion, namely, that the Anti-Injunction Act does not apply when the state litigation involves different parties. If I am correct that this is the premise, I believe that the Court is indulging in a new exposition of the meaning of *Hale v. Bimco Trading, Inc.*, 306 U. S. 375 (1939). The Anti-Injunction Act imposes a flat and positive prohibition. It then allows three exceptions. None of those exceptions is applicable to the situation before us, which involves a single use restriction on a single parcel of land. The precedent of *Hill v. Martin*, 296 U. S. 393, 403

2

To: The Clerk, Supreme Court
Mr. Justice Blackmun
Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens
Mr. Justice White
Mr. Justice Burger
Mr. Justice Souter

Report of the Conference

Carried over:

Recirculated. NOV 26 1980

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1003

County of Imperial, California, et al., Petitioners, } On Writ of Certiorari to the
v. } United States Court of Appeals for the Ninth
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November 5, 1980

79-1003 County of Imperial v. Munoz

Dear Potter:

At Conference my vote was that the Anti-Injunction Act applies, and therefore a federal court has no authority to stay enforcement of the state court judgment in this case. It was my view, that it is immaterial whether the third parties here are "strangers" to the state litigation.

Your opinion would remand the case for a determination whether respondents were "strangers to the state court proceeding". I assume that if it were found on remand that they were strangers, it is your view that the Anti-Injunction Act would not apply. If my reading of your opinion is correct, would not this leave open an opportunity for the intervention of federal courts that could interfere substantially with state proceedings? Indeed, it would seem to bring the scope of the Anti-Injunction Act close to that of res judicata.

Perhaps Hale v. Bimco Trading, Inc., can be read to support this view. But Hale has rarely even been cited, and I do not think it must be read as providing such a broad exception to the coverage of the Anti-Injunction Act.

I am not sending a copy of this letter to the Conference, as I view this case as relatively unimportant - unless it can be read as laying down a narrowing interpretation of the Anti-Injunction Act. In that event, I probably would dissent. But before "crossing this bridge," I wanted to share my concerns with you.

Sincerely,

Mr. Justice Stewart

lfp/ss

November 6, 1980

79-1003 County of Imperial v. Munzo

Dear Potter:

Following our telephone discussion of the above case, I asked my clerk Paul Smith to give me a brief memorandum on Hale.

I enclose a copy. Although there certainly is language in Hale that supports the way you have written this case, I believe Hale can be distinguished as Paul suggests.

Sincerely,

Mr. Justice Stewart

lfp/ss

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

November 17, 1980

No. 79-1003 County of Imperial, California v.
Munoz, et al.

Dear Potter:

As my vote at Conference was that the Anti-Injunction Act applies, I am reluctant to join your opinion in its present form.

In my view, a federal court has no authority to stay enforcement of the state court judgment in this case. I therefore have thought that it is immaterial whether the third parties here are "strangers" to the state litigation.

Nor do I read Hale v. Bimco Trading Co. as necessarily supporting a different view. Hale rarely has been cited. If I read it as apparently you do, I would be willing to overrule it.

Having said all of this, I suppose your opinion - and reading of Hale - is not likely to have much practical effect. I would prefer not to see the Court divided three ways in this case, and accordingly I will await the views of other Chambers before coming finally to rest.

Sincerely,

Mr. Justice Stewart



Copies to the Conference

LFP/lab

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

November 25, 1980

No. 79-1003 Co. of Imperial, CA v. Munoz

Dear Potter:

I am circulating the enclosed draft of a two sentence concurring opinion in this little case that seems to be giving us more trouble than its importance warrants.

In the interest of providing a Court (assuming the Chief also joins), I am accepting your reading of Hale but making clear that I would welcome an opportunity in the future to reconsider it.

Sincerely,



Mr. Justice Stewart

LFP/lab

Copies to the Conference

11/25/80

No. 79-1003 Co. of Imperial, CA v. Munoz

JUSTICE POWELL, concurring.

Although I join the opinion of the Court on the basis of its reading of Hale v. Bimco Trading Co., 306 U.S. 375, I record my willingness to reconsider Hale. It has rarely been cited and - as the Court reads it today - it creates an exception to the coverage of the Anti-Injunction Act that I think is contrary to the policy of that Act.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

November 5, 1980

Re: No. 79-1003 County of Imperial v. Munoz

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

November 13, 1980

Re: 79-1003 - County of Imperial, California
v. Munoz et al.

Dear Bill:

Please join me.

Respectfully,



Mr. Justice Brennan
Copies to the Conference