

The Burger Court Opinion Writing Database

United States v. Mendoza

464 U.S. 154 (1984)

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

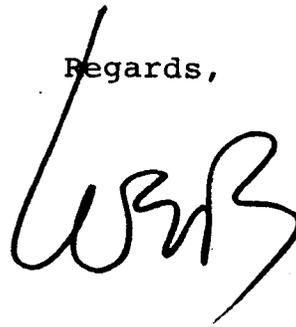
December 10, 1983

Re: 82-849 United States v. Mendoza, Sergio Elejar

Dear Bill:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'WRB', written over the typed word 'Regards,'.

Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 7, 1983

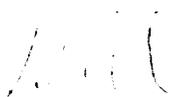
No. 82-849

United States v. Mendoza

Dear Bill,

I agree.

Sincerely,



Justice Rehnquist

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 20, 1983

Re: 82-849 - United States v. Mendoza

Dear Bill,

Please join me.

Sincerely,



Justice Rehnquist

Copies to the Conference

cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 8, 1983

Re: No. 82-849-U.S. v. Mendoza

Dear Bill:

Please join me.

Sincerely,

JM.
T.M.

Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 9, 1983

Re: No. 82-849 - United States v. Mendoza

Dear Bill:

Would you consider (1) dropping the word "somehow" in the third line from the bottom of page 2 of your opinion and (2) eliminating the last two sentences of footnote 7 on page 9? Those sentences may be correct, but they are dicta, and I think it is possible that there might be situations where even the Government might be appropriately subjected to nonmutual defensive collateral estoppel. If you could make these changes, you have my vote. There is also an erroneous citation in the sixth line of page 5 of the opinion.

Sincerely,



Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 12, 1983

Re: No. 82-849 - United States v. Mendoza

Dear Bill:

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry", with a horizontal line underneath.

Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 8, 1983

82-849 United States v. Mendoza

Dear Bill:

Please join me.

Sincerely,



Justice Rehnquist

lfp/ss

cc: The Conference

✓
Fagundes
Rev 9-0

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: **Justice Rehnquist**

Circulated: DEC 6 1983

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-849

UNITED STATES, PETITIONER v. SERGIO ELEJAR MENDOZA

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

[December —, 1983]

JUSTICE REHNQUIST delivered the opinion of the Court.

In 1978 respondent Sergio Mendoza, a Filipino national, filed a petition for naturalization under a statute which by its terms had expired 32 years earlier.¹ Respondent's claim for naturalization was based on the assertion that the government's administration of the Nationality Act denied him due process of law. Neither the District Court nor the Court of Appeals for the Ninth Circuit ever reached the merits of his claim, because they held that the government was collaterally estopped from litigating that constitutional issue because of an earlier decision against the government in a case brought by other Filipino nationals in the United States District Court for the Northern District of California. We hold that the United States may not be collaterally estopped on an issue such as this, adjudicated against it in an earlier lawsuit brought by a different party. We therefore reverse the judgment of the Court of Appeals.

The facts bearing on respondent's claim to naturalization are not in dispute. In 1942 Congress passed the Nationality Act, section 701 of which provided that non-citizens who

¹Mendoza sought naturalization pursuant to §§ 701-705 of the Nationality Act of 1940, ch. 199, 56 Stat. 182, added by the Second War Powers Act, 1942, 56 Stat. 182, as amended, 8 U. S. C. §§ 1001-1005 (1940 ed. Supp. V).

pp. 2, 9

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: **Justice Rehnquist**

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Recirculated: _____

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-849

UNITED STATES, PETITIONER *v.* SERGIO ELEJAR
MENDOZA

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

[December —, 1983]

JUSTICE REHNQUIST delivered the opinion of the Court.

In 1978 respondent Sergio Mendoza, a Filipino national, filed a petition for naturalization under a statute which by its terms had expired 32 years earlier.¹ Respondent's claim for naturalization was based on the assertion that the government's administration of the Nationality Act denied him due process of law. Neither the District Court nor the Court of Appeals for the Ninth Circuit ever reached the merits of his claim, because they held that the government was collaterally estopped from litigating that constitutional issue because of an earlier decision against the government in a case brought by other Filipino nationals in the United States District Court for the Northern District of California. We hold that the United States may not be collaterally estopped on an issue such as this, adjudicated against it in an earlier lawsuit brought by a different party. We therefore reverse the judgment of the Court of Appeals.

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P.10

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: **Justice Rehnquist**

Circulated: _____

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Ed
-2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-849

UNITED STATES, PETITIONER *v.* SERGIO ELEJAR
MENDOZA

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

[January —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

In 1978 respondent Sergio Mendoza, a Filipino national, filed a petition for naturalization under a statute which by its terms had expired 32 years earlier.¹ Respondent's claim for naturalization was based on the assertion that the government's administration of the Nationality Act denied him due process of law. Neither the District Court nor the Court of Appeals for the Ninth Circuit ever reached the merits of his claim, because they held that the government was collaterally estopped from litigating that constitutional issue because of an earlier decision against the government in a case brought by other Filipino nationals in the United States District Court for the Northern District of California. We hold that the United States may not be collaterally estopped on an issue such as this, adjudicated against it in an earlier lawsuit brought by a different party. We therefore reverse the judgment of the Court of Appeals.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 16, 1984

MEMORANDUM TO THE CONFERENCE

Re: No. 82-1877 United States v. Litonjua, et al

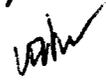
There is one case that is being held for the opinion of the Court in United States v. Mendoza, No. 82-849. That case, United States v. Litonjua, et al, No. 82-1877, will appear on the January 20 Conference List.

In Litonjua the Court of Appeals for the Ninth Circuit followed its opinion in Mendoza and granted the naturalization petitions of numerous "Category II" Filipino World War II veterans. The Court of Appeals' rationale in granting the petitions is that "the government is collaterally estopped from relitigating against these 'Category II' veterans the issues decided in 68 Filipinos." Because the case is squarely inconsistent with the Court's decision in Mendoza, I recommend that the case be summarily reversed and remanded in light of Mendoza.

6/18/84

One of the veterans in Litonjua has already been naturalized as a result of the Court of Appeals' decision, but the SG argues, persuasively in my mind, that his naturalization does not moot the case. His naturalization can now be vacated pursuant to 8 U.S.C. §1451 (j). Another one of the veterans in Litonjua argued in the alternative in the Court of Appeals that he should be naturalized as a "Category I" veteran, if not as a "Category II" veteran. The Court of Appeals did not reach the "Category 1" portion of his argument. Of course it is free to do so on remand.

Sincerely,



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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

December 7, 1983

Re: 82-849 - United States v. Mendoza

Dear Bill:

Please join me.

Respectfully,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

December 6, 1983

No. 82-849 United States v. Mendoza

Dear Bill,

Please join me.

Sincerely,



Justice Rehnquist

Copies to the Conference