

**14-990 SHAPIRO V. McMANUS**

DECISION BELOW: 584 Fed.Appx. 140

LOWER COURT CASE NUMBER: 14-1417

QUESTION PRESENTED:

The Three-Judge Court Act requires the convening of three-judge district courts to hear a wide range of particularly important lawsuits, including constitutional challenges to the apportionment of congressional districts and certain actions under the Voting Rights Act, Bipartisan Campaign Reform Act, Prison Litigation Reform Act, and Communications Act. The Three-Judge Court Act provides that a three-judge court shall be convened to hear such cases unless the single judge to whom the case is initially referred "determines that three judges are not required." 28 U.S.C. § 2284(a), (b)(1).

In *Goosby v. Osser*, 409 U.S. 512 (1973), this Court held that the Three-Judge Court Act "does not require the convening of a three-judge court when the [claim] is insubstantial." *Id.* at 518. A claim is insubstantial "for this purpose" if it is "'obviously frivolous,'" "'essentially fictitious,'" or "inescapably \* \* \* foreclose[d]" by this Court's precedents. *Ibid.*

The question presented, which has divided the lower courts, is as follows:

May a single-judge district court determine that a complaint covered by 28 U.S.C. § 2284 is insubstantial, and that three judges therefore are not required, not because it concludes that the complaint is wholly frivolous, but because it concludes that the complaint fails to state a claim under Rule 12(b)(6)?

CERT. GRANTED 6/8/2015