

IN THE
Supreme Court of the United States

GARNELL WALLS,

Petitioner,

v.

PRINCE GEORGE'S COUNTY, MARYLAND, *et al.*,

Respondents.

TEDFORD'S TENANCY, LLC,

Petitioner,

v.

CITY OF NEW YORK, NEW YORK, *et al.*,

Respondents.

**On Petitions for Writs of Certiorari to the United States
Court of Appeals for the Fourth Circuit and Appellate Division,
Supreme Court of New York, First Judicial Department**

**BRIEF OF ATLANTIC LEGAL FOUNDATION
AND JAMES DOYLE AS *AMICI CURIAE*
IN SUPPORT OF PETITIONERS**

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INTEREST OF THE *AMICI CURIAE*¹

Established in 1977, *amicus curiae* Atlantic Legal Foundation (ALF) is a national, nonprofit, nonpartisan, public interest law firm. ALF's mission for the past five decades has been to advance the rule of law and civil justice by advocating for individual liberty, free enterprise, property rights, limited and responsible government, sound science in judicial and regulatory proceedings, and effective education, including parental rights and school choice. With the benefit of guidance from the distinguished legal scholars, former government officials, corporate legal officers, private practitioners, business executives, and prominent scientists who serve on its Board of Directors and Advisory Council, ALF pursues its mission by participating as *amicus curiae* in carefully selected appeals before the Supreme Court, federal courts of appeals, and state supreme courts. See atlanticlegal.org.

Amicus curiae James Doyle is a Utah land owner who, like ALF, has an interest in the taking questions presented by the captioned petitions for writs of certiorari. The Federal Circuit held that even though Mr. Doyle's land was in the most environmentally

¹ Petitioners' and Respondents' counsel have received timely notice of this brief in accordance with Supreme Court Rule 37.2. No counsel for a party authored this brief in whole or part, and no party or counsel other than the *amici curiae* and their counsel made a monetary contribution intended to fund preparation or submission of this brief.

sensitive area of a county-wide Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service to protect an endangered tortoise species, he must exhaust a prohibitively expensive permitting process to ripen his taking claim for review.²

* * *

The Fifth Amendment’s Just Compensation Clause (also known as the Taking Clause) recognizes that private ownership of property and economic liberty are foundational principles in our nation of individual rights, liberty, and free enterprise, and are intrinsic to our nation’s social fabric. ALF has participated as *amicus curiae* in many cases where confiscatory governmental action raises serious Fifth Amendment concerns.³ The two pending certiorari petitions that this amicus brief supports present a significant constitutional question central to ALF’s mission of defending private property rights from uncompensated takings: Whether the ripeness doctrine can be applied in a way that swallows the Just Compensation protection of the Fifth

² See *Doyle v. United States*, No. 2023-1735, 2024 WL 5154019, at *4 (Fed. Cir. Dec. 18, 2024), *cert. denied*, 145 S. Ct. 2704 (2025).

³ See, e.g., Br. of Atl. Legal. Found. as *Amicus Curiae* in Support of Petitioners in *Clemente Properties, Inc. v. Pierluisi-Urrutia*, No. 25-1426 (U.S. July 29, 2026); *United Water Conservation District v. United States*, No. 25-523 (U.S. Nov. 28, 2025); *Devillier v. Texas*, No. 22-913 (U.S. Nov. 20, 2023); *Tyler v. Hennepin County*, No. 22-166 (U.S. March 3, 2023); and *Sheetz v. County of El Dorado*, No. 22-1074 (U.S. Nov. 20, 2023).

Amendment. Once a government decision-maker's position is clear, requiring a property owner to satisfy pointless procedural requirements to ripen a taking claim for judicial review leads to underenforcement of the Just Compensation Clause and what is tantamount to immunity for a categorical or physical taking under an "incomplete application" rationale.

The experience of *amicus curiae* James Doyle illustrates the profound injustice of requiring property owners to exhaust prohibitively costly and burdensome administrative processes before seeking judicial review of a taking claim when those processes offer no realistic prospect of changing a federal agency's final position. In Mr. Doyle's case, the Federal Circuit concluded that his physical taking claim was not ripe because he had not engaged an environmental consultant to prepare a prohibitively expensive individual Habitat Conservation Plan required to obtain an Incidental Take Permit. This despite the fact that the agency had designated his land as critical habitat for the Mojave desert tortoise, had enclosed his property inside a locked tortoise fence (to which he had no key), and prohibited his planned development of the property. But the Federal Circuit was insistent that to ripen his taking claim, Mr. Doyle must incur substantial permit-related costs—or lose the ability to test the constitutionality of the agency's confiscatory actions in court.

INTRODUCTION

For Petitioner Garnell Walls, the Fourth Circuit held that he must, in addition to obtaining a final

decision from federal administrative decisionmakers, exhaust the legislative process in an effort to change the law to ripen his taking claim for review. For Petitioner Tedford’s Tenancy, LLC, the state court below held that its taking claim was not ripe until Tedford’s applied for hardship exemptions that it was ineligible to receive.

The constitutional injury arises when the property is taken. At that point, the duty to pay just compensation becomes fixed. This Court’s Just Compensation jurisprudence should not demand that a property owner finance every hypothetical proposal or pursue every potential burdensome possibility to ripen a taking claim for judicial review. Finality requires only that the challenged governmental action not be speculative, and that the injury-in-fact be real and concrete and that the government “has reached a conclusive position” on the challenged action.⁴

The Court should grant both certiorari petitions and hold that establishing Article III standing satisfies the ripeness standard in a taking case.

SUMMARY OF ARGUMENT

In the landmark case of *Abbott Laboratories v. Gardner*,⁵ this Court explained that the purpose of the

⁴ *Pakdel v. City and County of San Francisco, California*, 594 U.S. 474, 480 (2021).

⁵ *Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967).

ripeness doctrine “is to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.”⁶

The *Abbott Laboratories* court added that the ripeness problem “is best seen in a twofold aspect, requiring us to evaluate both the fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration.”⁷

Since then, the Court has confirmed that the ripeness requirement in a taking case should apply a de facto ripeness test and not a strict procedural and mechanistic requirement as a prelude to vindicating constitutionally protected rights. As Justice Frankfurter once noted, a finality requirement “is not . . . a principle inflexibly applied.”⁸

This is not to say that exhaustion of an administrative process to reach a final decision may never be appropriate. Before the taking occurs, the

⁶ *Id.* at 148–49.

⁷ *Id.* at 149.

⁸ *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 156 (1951) (Frankfurter, J., concurring).

landowner may be required to take additional steps to ripen a claim. But once a taking has occurred, the Government cannot load on additional requirements to further ripen a taking claim.

This Court has repeatedly tied finality to the existence of a concrete injury: In the taking context, the government must take a definitive position on the property owner’s compensation proposal. For example, in *Lucas v. South Carolina Coastal Council*,⁹ the property owner challenged the state’s application of the Coastal Zone Management Act that rendered Lucas’s building lots off-limits to residential development. Although the Act set up a variance process that, if applicable to Lucas, would have required him to apply for a variance, be denied for that variance, and start his litigation all over again, the Court concluded that the taking claim was sufficiently ripe for judicial review: “[N]either ‘prudence’ nor any other principle of judicial restraint requires that we remand. . . .”¹⁰

In *Pakdel v. City & Cnty. of San Francisco, California*, the owners of a multiunit residential building in San Francisco sought to convert the units into individually owned condominiums.¹¹ But the city required that nonoccupant owners who rented out

⁹ *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

¹⁰ *Id.* at 1014 n.5.

¹¹ *See Pakdel*, 594 U.S. at 475–76 (2021).

their units had to offer their tenants a lifetime lease. Pakdel challenged the requirement as an unconstitutional taking but missed the city's deadline for administratively challenging the requirement. The Ninth Circuit held that Pakdel's taking claim was not ripe because he had not exhausted "the prescribed procedures."¹²

The Court rejected that conclusion, holding that "[t]he rationales for the finality requirement underscore that nothing more than *de facto* finality is necessary."¹³ In vacating the Ninth Circuit's decision, the Court stated:

In this case, there is no question about the city's position: Petitioners must "execute the lifetime lease" or face an "enforcement action." . . . And there is no question that the government's "definitive position on the issue [has] inflict[ed] an actual, concrete injury" of requiring petitioners to choose between surrendering possession of their property or facing the wrath of the government.¹⁴

¹² *Id.* at 478.

¹³ *Id.* at 479.

¹⁴ *Pakdel*, 594 U.S. at 478–79 (quoting *Williamson Cnty. Reg'l Plan. Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 193 (1985)).

The Court also noted that “[t]he Ninth Circuit’s demand that a plaintiff seek ‘an exemption through the prescribed [state] procedures,’ . . . plainly requires exhaustion.”¹⁵ But the Supreme Court concluded otherwise, stating that “[w]hatever policy virtues this doctrine might have, administrative ‘exhaustion of state remedies’ is not a prerequisite for a takings claim when the government has reached a conclusive position.”¹⁶

Yet because of the remaining confusion about the contours of the ripeness requirement in lower courts, ripeness has emerged as an effective way to shield taking claims from constitutional scrutiny, even where the impact of the challenged action is concretely established. This sharply cuts against the constitutional guarantee of just compensation when government takes private property for public use. And the long-established rule that the obligation for just compensation attaches whenever government action works a taking of private property.¹⁷

Requiring taking litigants to establish more than concrete, injury-in-fact allows governments to skirt their constitutional duty to pay for property they have taken, as these petitions demonstrate.

¹⁵ *Pakdel*, 594 U.S. at 479.

¹⁶ *Id.* at 480.

¹⁷ See *Armstrong v. United States*, 364 U.S. 40, 49 (1960).

Certiorari should be granted in both cases to clarify that final-decision ripeness in takings cases is an injury-focused requirement, not a prudential license to decline access to judicial review.

ARGUMENT

This Court Should Grant Certiorari and Adopt a Rule That Meeting Article III, Concrete, Injury-in-Fact Conditions Satisfies the Ripeness Requirement for a Taking Claim

Once a taking has occurred, finality should only require a showing that a government decision-maker has made a final decision regarding a proposed property use. There is no legitimate purpose for requiring a property owner to make a taking claim *more ripe* by requiring a taking plaintiff to exhaust burdensome, costly, and often outcome-insensitive procedural hurdles.

By treating satisfaction of ripeness as merely prudential (i.e., discretionary) for taking purposes and emphasizing the absence of a formal denial despite the government's definitive, final position on the proposed use, lower courts too often force property owners to bear the burdens of government regulation without any meaningful opportunity to obtain a constitutional remedy.

A final-decision ripeness requirement serves a narrow but essential purpose: ensuring that a regulatory taking has caused a concrete, actual injury by establishing how far the government has applied a

regulation to a particular property. That purpose closely tracks Article III’s injury-in-fact requirement. The ripeness doctrine exists to prevent courts from adjudicating premature claims.¹⁸ It should not be stretched, as it has been in the *Walls* and *Tedford’s Tenancy* cases, to bar taking plaintiffs from seeking judicial relief where they have already suffered a concrete injury due to a final government decision.

A. Misuse of the ripeness requirement runs afoul of the requirements of the Fifth Amendment

Misuse of the prudential ripeness doctrine enables courts to decline adjudication of otherwise justiciable constitutional claims, and undermines the “virtually unflagging” obligation of a court to decide cases within its jurisdiction.¹⁹ This obligation applies all the more to constitutional claims involving the protection of private property rights, which are essential in a “free government” because these rights would “become worthless if the government possessed an uncontrollable power over the private fortune of every citizen. . . .”²⁰

¹⁸ See *Ohio Forestry Ass’n, Inc. v. Sierra Club*, 523 U.S. 726, 734 (1998).

¹⁹ *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976).

²⁰ *Chicago, B. & Q.R. Co. v. City of Chicago*, 166 U.S. 226, 236 (1897).

In *Knick v. Twp. of Scott, Pennsylvania*,²¹ the Court held that a property owner was not required to exhaust the state's compensation remedy before filing a taking claim, overruling its contrary holding in *Williamson County* on which the trial court relied.²² In so holding, the Court emphasized that its ripeness decision was anchored in the requirements of the Fifth Amendment: "We have long recognized that property owners may bring Fifth Amendment claims against the Federal Government as soon as their property has been taken."²³

Woven throughout takings jurisprudence is the bedrock principle that the Just Compensation Clause is a self-executing, unique money-mandating provision in our Bill of Rights: "[B]ecause a taking without compensation violates the self-executing Fifth Amendment at the time of the taking, the property owner can bring a federal suit at that time."²⁴

²¹ *Knick v. Township of Scott, Pennsylvania*, 588 U.S. 180 (2019).

²² *Id.* at 189.

²³ *Id.*

²⁴ *Id.* at 194.

B. The decisions below turn the ripeness requirement into an insurmountable quest to reach a “final” decision

The courts below have turned satisfying ripeness for taking purposes into a never-ending quest comparable to that of Diogenes, who searched the streets of ancient Athens looking for an honest man.

**1. *Walls v. Prince George’s County*
(26-107)**

After learning that his modest, residential building lot was located too far from municipal sewer and water systems to connect, Garnell Walls planned to install an interim well and septic system.²⁵ But he then discovered that the installation of both was prohibited by Prince George’s County’s 2018 Water & Sewer Plan.²⁶

Walls applied for the waiver and received a letter from the County denying the waiver but was told that he could seek a “water and sewer category amendment”:

In February 2022, Walls received a letter from [the County] stating that, based on [the Director of Permitting, Inspections, and Enforcement (DPIE)]’s research, [his] lot did not meet the criteria for a

²⁵ *Walls* Pet. App. 3a.

²⁶ *Id.*

waiver under the Plan (the 2022 letter). However, in the 2022 letter, [the County] also informed Walls that he could pursue use of an interim well or septic system through a “water and sewer category amendment.” . . . This process initially would require Walls to seek a “Legislative Amendment” from the County Council and, next, to obtain an “Administrative Amendment” approved. . . .²⁷

Walls did not seek a legislative amendment to reclassify his building lot because the County Council had told him on several different occasions that it would not support his efforts and that his efforts would be futile.²⁸

The District Court dismissed the taking claim as unripe, and the Fourth Circuit affirmed, on the ground that Walls had not pursued a multi-step legislative amendment to the County’s Water & Sewer Plan, explaining that “there is still an opportunity for the County to change its position on Walls’ use of his property,” and therefore, “the County has not issued a final decision.”²⁹

²⁷ *Id.* at 4a.

²⁸ *Id.* at 5a (citation omitted).

²⁹ *Id.* at 9a.

The Fourth Circuit’s decision cannot be reconciled with the requirements of the Fifth Amendment, including the “temporary-takings doctrine”: once a taking occurs, later legislative fixes cannot erase past liability for the period of deprivation.³⁰ Post-hoc legislative change cannot relieve the duty to compensate for a taking already effected.³¹

By treating satisfaction of the ripeness finality requirement as merely prudential, the courts below required Walls to pursue an inherently political, legislative amendment to a Water & Sewer Plan.³² That the County had refused to allow Walls to install a private well and septic system to service his lot, for which there are no public utilities available for him to connect to, should have been sufficiently concrete for the Fourth Circuit to find his claim ripe for judicial review.

2. *Tedford’s Tenancy, LLC v. City of New York* (26-110)

After a family-owned apartment in New York City became subject to the Rent Stabilization Law, the

³⁰ *First English Evangelical Lutheran Church of Glendale v. Los Angeles County, California*, 482 U.S. 304, 321 (1987).

³¹ *Id.* (“where the government’s activities have already worked a taking of all use of property, no subsequent action by the government can relieve it of the duty to provide compensation for the period during which the taking was effective”).

³² *Walls* Pet. App. 10a–11a.

owners determined that the rental cap made their rental operations not economically feasible.³³ The outstanding repairs needed, estimated to cost at least \$1 million, could not be recouped due to applicable government-imposed limits.³⁴

The property owners explored applying for a hardship exemption but discovered that they could not satisfy the requirements for that exemption.³⁵ And they also learned that, even if it had applied, the relief it would offer would be inadequate to ameliorate the economic burden imposed by the Rent Stabilization Law.³⁶

But because Tedford's had not applied for and been denied a hardship exemption it was not eligible for, the New York appellate court held that Tedford's taking claim was not ripe.³⁷ The court's decision left no doubt that its application of the ripeness requirement elevated form over substance, stating, for

³³ *Tedford's Pet.* at 11 ("under the RSL, Tedford's multi-family property has little to no economic use").

³⁴ *Id.* ("RSL only allows for minimal rent increases to offset the cost.").

³⁵ *Id.* at 1.

³⁶ *Id.* (Property owners "are not eligible for any of the 'hardship' exemptions to the rent control law and, even if they were, the maximum allowable increase would not make a dent.").

³⁷ *Tedford's Pet. App.* 2a.

example, that even the fact that granting the hardship exemption would have only a minimal impact on Tedford's operating finances was "not sufficient to avoid the finality requirement."³⁸

The decision in *Tedford's* imposes futile administrative exhaustion demands disconnected from finality and economic impact. *Tedford's* alleged that the Rent Stabilization Law caps residential income far below expenses, that over \$1 million in essential repairs could not be recouped through other government-allowable increases, and that Tedford's Tenancy was ineligible for "hardship" exceptions. In short, any allowed increase would be insufficient to make the apartment building's operations economically feasible.³⁹ These facts established de facto finality for purposes of ripening a taking claim for judicial review.

The lower court's insistence that Tedford's pursue hardship applications as a prerequisite to bringing its taking claim, despite the pleaded ineligibility and immaterial economic effect on the asserted taking, rendered ripeness an impossible-to-reach requirement, as reflected in the lower court's analytical tautology: "Here, plaintiff argues that it did not pursue a hardship exemption because to do so was

³⁸ *335-7 LLC v. City of New York*, No. 21-823, 2023 WL 2291511 at *3 (2d Cir. Mar. 1, 2023).

³⁹ See *Tedford's* Pet. at 11 ("under the RSL, Tedford's multi-family property has little to no economic use").

futile, overly burdensome, and would offer de minimis relief. . . . Thus, plaintiff's takings claim is not yet ripe[.]”⁴⁰

Tedford's further shows how prudential ripeness eclipses uncontested standing by insisting on hardship submissions regardless of ineligibility or trivial effect, effectively postponing adjudication of an ongoing economic deprivation.

This Court has held that a taking claim is ripe when there is de facto finality, not exhaustion of all possible remedies: “The finality requirement is relatively *modest*. All a plaintiff must show is that there [is] no question . . . about how the regulations at issue apply to the particular land in question.”⁴¹

The Court should clarify that finality is an injury-focused inquiry comparable to the injury-in-fact requirement under Article III standing.

C. Doyle’s experience further demonstrates that impractical and costly barriers can bar a legitimate taking claim from judicial review

The federal government has reduced *amicus curiae* James Doyle to nothing more than the nominal owner of land that the federal government now controls for

⁴⁰ *Tedford's* Pet. App. 2a.

⁴¹ *Pakdel*, 594 U.S. at 478 (internal citation omitted) (emphasis added).

the purpose of protecting the endangered Mojave Desert tortoise. Mr. Doyle's land is included in the most severely restricted area of the critical habitat area of reserve under a County-wide Incidental Take Permit.⁴² Doyle's land is also within the core area of the highly protected Red Cliffs Wildlife Reserve for the tortoise and enclosed by locked tortoise fencing.⁴³ Despite repeated efforts to obtain permission to develop his land, the U.S. Fish & Wildlife Service has steadfastly refused to grant him permission to do so.

That the Service will never grant Doyle a permit to develop any portion of his land is confirmed by the fact that the Service issued a County-wide permit to Washington County, where Doyle's land is located, and his land serves as permanently preserved mitigation that anchors other development in the County the Service has approved.⁴⁴ There is no other suitable critical habitat available within the County to substitute for Doyle's. Doyle's land also serves as

⁴² See *Doyle v. United States*, No. 2023-1735, 2024 WL 5154019, at *2 (Fed. Cir. Dec. 18, 2024).

⁴³ See Decl. of Timothy Burton Anderson, ECF No. 13-2 at 2, *Doyle v. United States*, No. 22-cv-00499-NBF (Fed. Cl. Nov. 3, 2022); see also Decl. of James Doyle, ECF No. 13-3 at 4, *Doyle v. United States*, No. 22-cv-00499-NBF (Fed. Cl. Nov. 3, 2022).

⁴⁴ See generally Decl. of Timothy Burton Anderson, ECF No. 13-2, *Doyle v. United States*, No. 22-cv-00499-NBF (Fed. Cl. Nov. 3, 2022).

mitigation to offset the Service’s approval of the Northern Corridor Route.⁴⁵

As in *Walls*, Doyle also repeatedly discussed proposals for developing his land with the local representatives of the U.S. Fish & Wildlife Service. And on every occasion, he was told that he would not be granted permission to develop his land.⁴⁶

As the government officials advised him, his land was designated as critical habitat because it is “within the geographical area occupied by the species” and is “essential to the conservation of the species[.]”⁴⁷

The Federal Circuit affirmed the U.S. Court of Federal Claims’ dismissal of Doyle’s physical taking claim because he had not submitted a prohibitively costly and time-consuming habitat conservation plan to the U.S. Fish & Wildlife Service, even though there

⁴⁵ U.S. Fish & Wildlife Serv., *Findings and Recommendations for the Issuance of an Endangered Species Act Section 10(A)(1)(B) Incidental Take Permit for the Washington County Habitat Conservation Plan* at 39 (Jan. 13, 2021) (The approved Northern Corridor Project plan consists of a four-lane highway that crosses through Zone 3, where Mr. Doyle’s land is located. The plan includes restoration and preservation efforts to offset possible habitat degradation from the project.).

⁴⁶ See Decl. of Timothy Burton Anderson, ECF No. 13-2 at 5, *Doyle v. United States*, No. 22-cv-00499-NBF (Fed. Cl. Nov. 3, 2022); see also Decl. of James Doyle, ECF No. 13-3 at 3–5, *Doyle v. United States*, No. 22-cv-00499-NBF (Fed. Cl. Nov. 3, 2022).

⁴⁷ 16 U.S.C. § 1532(5)(A)(i).

was no evidence that Doyle would ever be able to develop his environmentally sensitive land in the most environmentally sensitive area (the Reserve) in the County-wide Habitat Conservation Plan for the Mojave Desert Tortoise, an endangered species listed under the Endangered Species Act,⁴⁸ and enclosed inside a government-controlled locked gate.

The Federal Circuit agreed with Doyle’s argument that being required to hire a biologist, engineer, and environmental consultant to prepare a Habitat Conservation Plan was prohibitively expensive and futile. Further, the Federal Circuit admitted that “there may be good reason to suspect that even a complete permit application – one containing an individualized conservation plan – would have been denied by FWS.”⁴⁹ Yet, the Circuit still concluded that “such speculation does not render his taking claim ripe.”⁵⁰

Equally bizarrely, the Federal Circuit agreed that it was highly unlikely that the Fish & Wildlife Service would allow Doyle to develop his land because that land had been permanently preserved as mitigation. But to the Federal Circuit, this showed that Doyle’s

⁴⁸ 16 U.S.C. § 1533(c); *Doyle*, No. 2023-1735, 2024 WL 5154019, at *1 (“In 1990, FWS categorized the Mojave desert tortoise as endangered, making it a ‘listed’ species.”).

⁴⁹ *Doyle*, No. 2023-1735, 2024 WL 5154019, at *6.

⁵⁰ *Id.*

taking claim was not ripe because “there *is* a world in which he could be granted a permit – and the County Permit could be modified.”⁵¹

Equally troubling was the ease with which the Federal Circuit discounted this Court’s ruling in *Knick* and *Pakdel*: “*Knick* and *Pakdel* did not address *federal* administrative agency exhaustion, which here would ask whether Mr. Doyle has received a final decision from FWS on an Incidental Take Permit. These cases pertain, instead, solely to exhaustion of *state* remedies before a takings claim is ripe.”⁵²

Doyle’s case illustrates how easily a court can utilize prudential standing to bar a physical taking claim from judicial review. The Court’s intervention is necessary to ensure uniform access to adjudication of Fifth Amendment taking claims, and to prevent courts from exercising unfettered discretion to vitiate the constitutional right to just compensation for a taking.

⁵¹ *Id.*

⁵² *Id.* at *4 (emphasis added).

CONCLUSION

The *Walls* and *Tedford's Tenancy* petitions for writs of certiorari should be granted.

Respectfully submitted,

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