Per Curiam

SUPREME COURT OF THE UNITED STATES

No. 07–04

BRAVELITTIETOASTERS, PETITIONER *v.* UNITED STATES DEPARTMENT OF TRANSPORTATION.

ON WRIT OF REVIEW TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[April 19, 2020]

PER CURIAM.

Article III empowers the federal courts to decide only "Cases" and "Controversies." U. S. Const. Art. III, § 2, Cl. 1. An Article III case or controversy exists only if the plaintiff has standing, a requirement that "ensures that [the] federal courts decide only 'the rights of individuals'" and "exercise 'their proper function in a limited and separated government.'" *TransUnion LLC* v. *Ramirez*, 141 S. Ct. 2190, 2203 (2021) (citations omitted). In our system, "[f]ederal courts do not possess a roving commission to publicly opine on every legal question" and "do not exercise general legal oversight of the Legislative and Executive Branches." *Ibid.*

The "irreducible constitutional minimum of standing" has "three elements." *Lujan* v. *Defenders of Wildlife*, 504 U. S. 555, 560 (1992). "First, the plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical." *Ibid.* (citations and internal quotation marks omitted). Second, the injury must be "fairly traceable to the challenged action of the defendant." *Id.* at 560-561 (brackets, citation, and ellipsis

omitted). "Third, it must be 'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.'" *Id*. at 561 (citation omitted).

An injury suffices for Article III standing only if it is "fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court." *Defenders of Wildlife*, 504 U. S. at 560 (brackets, citation, and ellipses omitted). That principle "does not exclude injury produced by [the] determinative or coercive effect [of the defendant's conduct] upon the action of someone else." *Bennett* v. *Spear*, 520 U. S. 154, 169 (1997). But it does mean that, in general, a plaintiff cannot establish standing simply by showing that the defendant's conduct creates an incentive for third parties to act in a particular way.

First, a plaintiff has standing only if it has a "personal stake" in the outcome of the litigation. *TransUnion*, 141 S. Ct. at 2203 (citation omitted). That is, a plaintiff may sue only to vindicate its "own legal rights and interests"; it may not rest its claim to judicial relief on "the legal rights and interests of third parties." *Warth*, 422 U. S. at 499. Second, "separately incorporated organizations are separate legal units with distinct legal rights and obligations." *Agency for Int'l Dev*. v. *Alliance for Open Soc'y Int'l, Inc*., 140 S. Ct. 2082, 2087 (2020). Indeed, "[s]eparate legal personality has been described as 'an almost indispensable aspect of the public corporation.'" *First Nat'l City Bank* v. *Banco Para el Comercio Exterior de Cuba*, 462 U. S. 611, 625 (1983) (*Bancec*) (citation omitted).

To establish Article III standing, plaintiffs must do more than show injury; they must also show that "the injury would likely be redressed" by their requested relief. *TransUnion*, 141 S. Ct. at 2203. And because "standing is not dispensed in gross," plaintiffs must make that showing "for each claim that they press and for each form of relief they seek." *Id*., at 2208.

"No principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies." *Simon*, 426 U. S. at 37; see *TransUnion*, 141 S. Ct. at 2203.

"At the time of our founding, the existence of a separate legal person, with the capacity to sue and be sued, was precisely what set certain * * * state entities apart from the state itself." *Puerto Rico Ports Auth.* v. *Federal Maritime Comm'n*, 531 F.3d 868, 881 (D.C. Cir. 2008) (Williams, J., concurring), cert. denied, 555 U.S. 1170 (2009). Early Americans were familiar with "public corporations"—corporations "founded by the government for public purposes." *Trustees of Dartmouth College* v. *Woodward*, 17 U. S. (4 Wheat.) 518, 668-669 (1819) (opinion of Story, J.). A public corporation, no less than a private one, was regarded as a separate legal entity, with the capacity of "suing and being sued" in its own name "in all things touching its corporate rights and duties." *Id.* at 667. And a public corporation "maintained its separate identity" even if the State had "an unqualified financial interest in the corporation's success," granted it "sovereign powers," or regarded it as an "'integral part of the State.' " *Puerto Rico Ports Auth.*, 531 F.3d at 881 (Williams, J., concurring) (citation omitted).

Article III of the Constitution limits the exercise of the judicial power to "Cases" and "Controversies." §2, cl. 1. This fundamental limitation preserves the "tripartite structure" of our Federal Government, prevents the Federal Judiciary from "intrud[ing] upon the powers given to the other branches," and "confines the federal courts to a properly judicial role." *Spokeo, Inc.* v. *Robins*, 578 U. S. ___, ___ (2016) (slip op., at 5–6). "If a dispute is not a proper case or controversy, the courts have no business deciding it, or expounding the law in the course of doing so." *DaimlerChrysler Corp.* v. *Cuno*, 547 U. S. 332, 341 (2006).

"Standing to sue is a doctrine rooted in the traditional understanding of a case or controversy." *Spokeo*, *supra*, at ___ (slip op., at 6). "The law of Article III standing, which is built on separation-of-powers principles, serves to prevent the judicial process from being used to usurp the powers of the political branches." *Clapper* v. *Amnesty Int'l USA*, 568 U. S. 398, 408 (2013). Our standing doctrine accomplishes this by requiring plaintiffs to "alleg[e] such a personal stake in the outcome of the controversy as to . . . justify [the] exercise of the court's remedial powers on [their] behalf." *Simon* v. *Eastern Ky. Welfare Rights Organization*, 426 U. S. 26, 38 (1976) (internal quotation marks omitted). To establish Article III standing, the plaintiff seeking compensatory relief must have "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo*, *supra*, at ___ (slip op., at 6). "Absent such a showing, exercise of its power by a federal court would be gratuitous and thus inconsistent with the Art. III limitation." *Simon*, *supra*, at 38.

Our standing decisions make clear that "'standing is not dispensed in gross.'" *Davis* v. *Federal Election Comm'n*, 554 U. S. 724, 734 (2008) (quoting *Lewis* v. *Casey*, 518 U. S. 343, 358, n. 6 (1996); alteration omitted). To the contrary, "a plaintiff must demonstrate standing for each claim he seeks to press and for each form of relief that is sought." *Davis*, *supra*, at 734 (internal quotation marks omitted); see, *e.g.*, *DaimlerChrysler*, *supra*, at 352 ("[A] plaintiff must demonstrate standing separately for each form of relief sought"); *Friends of the Earth, Inc.* v. *Laidlaw Environmental Services (TOC), Inc.*, 528 U. S. 167, 185 (2000) (same); *Los Angeles* v. *Lyons*, 461 U. S. 95, 105–106, and n. 7 (1983) (a plaintiff who has standing to seek damages must also demonstrate standing to pursue injunctive relief).

To reach the merits of a case, an Article III court must have jurisdiction. "One essential aspect of this requirement

is that any person invoking the power of a federal court must demonstrate standing to do so." *Hollingsworth* v. *Perry*, 570 U. S. 693, 704 (2013). The three elements of standing, this Court has reiterated, are (1) a concrete and particularized injury, that (2) is fairly traceable to the challenged conduct, and (3) is likely to be redressed by a favorable decision. *Ibid*. (citing *Lujan* v. *Defenders of Wildlife*, 504 U. S. 555, 560–561 (1992)). Although rulings on standing often turn on a plaintiff 's stake in initially filing suit, "Article III demands that an 'actual controversy' persist throughout all stages of litigation." *Hollingsworth*, 570 U. S., at 705 (quoting *Already, LLC* v. *Nike, Inc.*, 568 U. S. 85, 90–91 (2013)). The standing requirement therefore "must be met by persons seeking appellate review, just as it must be met by persons appearing in courts of first instance." *Arizonans for Official English* v. *Arizona*, 520 U. S. 43, 64 (1997). As a jurisdictional requirement, standing to litigate cannot be waived or forfeited. And when standing is questioned by a court or an opposing party, the litigant invoking the court's jurisdiction must do more than simply allege a nonobvious harm. See *Wittman* v. *Personhuballah*, 578 U. S. ___, ___– ___ (2016) (slip op., at 5–6). To cross the standing threshold, the litigant must explain how the elements essential to standing are met.

To support standing, an injury must be "legally and judicially cognizable." *Raines* v. *Byrd*, 521 U. S. 811, 819 (1997).

The "law of Art. III standing is built on a single basic idea—the idea of separation of powers." *Raines* v. *Byrd*, 521 U. S. 811, 820 (1997) (internal quotation marks omitted). Separation of powers "was not simply an abstract generalization in the minds of the Framers: it was woven into the document that they drafted in Philadelphia in the summer of 1787." *INS* v. *Chadha*, 462 U. S. 919, 946 (1983) (internal quotations marks omitted).

Therefore, we start with the text of the Constitution. Article III confines the federal judicial power to the resolution

of "Cases" and "Controversies." For there to be a case or controversy under Article III, the plaintiff must have a "'personal stake'" in the case—in other words, standing. *Raines*, 521 U. S., at 819. To demonstrate their personal question: "'What's it to you?'" Scalia, The Doctrine of Standing as an Essential Element of the Separation of Powers, 17 Suffolk U. L. Rev. 881, 882 (1983).

To answer that question in a way sufficient to establish standing, a plaintiff must show (i) that he suffered an injury in fact that is concrete, particularized, and actual or imminent; (ii) that the injury was likely caused by the defendant; (iii) that the injury would likely be redressed by judicial relief. *Lujan* v. *Defenders of Wildlife*, 504 U. S. 555, 560-561 (1992). If "the plaintiff does not claim to have suffered an injury that the defendant does not claim to have suffered an injury that the defendant caused and the court can remedy, there is no case or controversy for the federal courts to resolve." *Casillas* v. *Madison Avenue Assocs., Inc.*, 926 U. S. F. 3d 329, 333 (CA7 2019) (Barrett, J.).

Requiring a plaintiff to demonstrate a concrete and particularized injury caused by the defendant and redressable by the court ensures that federal courts decide only "the rights of individuals," *Marbury* v. *Madison*, 1 Cranch 137, 170 (1803), and that the federal courts exercise "their proper function in a limited and separated government," Roberts, Article III Limits on Statutory Understanding, 42 Duke L. J. 1219, 1224 (1993). Under Article III, federal courts do not adjudicate hypothetical or abstract disputes. Federal courts do not possess a roving commission to publicly opine on every legal question. Federal courts do not exercise general legal oversight of the Legislative and Executive Branches, or of private entities. However, we may sometimes do this through the power of Anytime Review. As Madison explained in Philadelphia, federal courts instead decide only matters "of a Judiciary Nature." 2 Records of the Federal Convention of 1787, p. 430 (M. Farrand ed.

1966).

In sum, under Article III, a federal court may resolve only "a real controversy with real impact on real persons." *American Legion* v. *American Humanist Assn.*, 588 U. S. ___, ___ (2019) (Gorsuch, J., concurring in judgment) (slip op., at 10). The question in this case, however, focuses on the Article III requirement that the plaintiff's injury in fact to be "concrete"—that is, "real, and not abstract." *Spokeo*, *Inc.* v. *Robins*, 578 U. S. 330, 340 (2016) (internal quotations marks omitted); see *Susan B. Anthony List* v. *Driehaus*, 573 U. S. 149, 158 (2014); *Summers* v. *Earth Island Institute*, 555 U.S. 488, 493 (2009); *Lujan*, 504 U. S., at 560; *Schlesinger* v. *Reservists Comm. to Stop the War*, 418 U. S. 208, 220-221 (1974).

What makes a harm concrete for purposes of Article III? As a general matter, the Court has explained that "history and tradition offer a meaningful guide to the types of cases that Article III empowers federal courts to consider." *Sprint Communications Co.* v. *APCC Services*, *Inc.*, 554 U. S. 269, 274 (2008); see also *Steel Co.* v. *Citizens for Better Environment*, 523 U. S. 83, 102 (1998). And with respect to the concrete-harm requirement in particular, this Court's opinion in *Spokeo* v. *Robins* indicated that courts should assess whether the alleged injury to the plaintiff has a "close relationship" to harm "traditionally" recognized as providing a basis for a lawsuit in American courts. 578 U. S., at 341. That inquiry asks whether plaintiffs have identified a close historical or common-law analogue for their asserted injury. *Spokeo* does not require an exact duplicate in American history and tradition. But *Spokeo* is not an open-minded invitation for federal courts to loosen Article III based on contemporary, evolving beliefs about what kinds of suits should be heard in federal courts.

As *Spokeo* explained, certain harms readily qualify as concrete injury under Article III. The most obvious are tra-

ditional tangible harms such as physical harms and monetary harms. If a defendant has caused physical or monetary injury to the plaintiff, the plaintiff has suffered a concrete injury in fact under Article III.

Various intangible harms can also be concrete. Chief among them are injuries with a close relationship to harms traditionally recognized as providing a basis for lawsuits in American courts. *Id.*, at 340-341. Those include, for example, reputational harms, disclosure of private information, and intrusion upon seclusion. See, *e.g.*, *Meese* v. *Keene*, 481 U. S. 465, 473 (1987) (reputational harms); *Davis* v. *Federal Election Comm'n*, 554 U. S. 724, 733 (2008) (disclosure of private information; see also *Gadelhak* v. *AT&T Services, Inc.*, 950 F. 3d 458, 462 (CA7 2020) (Barrett, J.) (intrusion upon seclusion). And those traditional harms may also include harms specified by the Constitution itself. See, *e.g.*, *Spokeo*, 578 U. S., at 340 (citing *Pleasant Grove City* v. *Summum*, 555 U. S. 460 (2009) (abridgment of free speech), and *Church of Lukumi Babalu Aye, Inc.* v. *Hialeah*, 508 U. S. 520 (1993) (infringement of free exercise)).

In determining whether a harm is sufficiently concrete to qualify as an injury in fact, the Court in *Spokeo* said that Congress' views may be "instructive." 578 U. S., at 341. Courts must afford due respect to Congress' decision to impose a statutory prohibition or obligation on a defendant, and to grant a plaintiff a cause of action to sue over the defendant's violation of that statutory prohibition or obligation. See *id.*, at 340-341. In that way, Congress may "elevate to the status of legally cognizable injuries concrete, *de facto* injuries that were previously inadequate in law." *Id.*, at 341 (alterations and internal quotation marks omitted); see *Lujan*, 504 U. S., at 562-563, 578; cf., *e.g.*, *Allen* v. *Wright*, 468 U. S. 737, 757, n. 22 (1984) (discriminatory treatment). But even though "Congress may 'elevate' harms that 'exist' in the real world before Congress recog-

nized them to actionable legal status, it may not simply enact an injury into existence, using its lawmaking power to transform something that is not remotely harmful into something that is." *Hagy* v. *Demers & Adams*, 882 F. 3d 616, 622 (CA6 2018) (Sutton, J.) (citing *Spokeo*, 578 U. S., at 341).

Importantly, this Court has rejected the proposition that "a plaintiff automatically satisfies the injury-in-fact requirement whenever a statute grants a person a statutory right and purports to authorize that person to sue to vindicate that right." *Spokeo*, 578 U. S., at 341. As the Court emphasized in *Spokeo*, "Article III standing requires a concrete injury even in the context of a statutory violation." *Ibid*. Congress' creation of a statutory prohibition or obligation and a cause of action does not relieve courts of their responsibility to independently decide whether a plaintiff has suffered a concrete harm under Article III any more than, for example, Congress' enactment of a law regulation speech relieves courts of their responsibility to independently decide whether the law violates the First Amendment. Cf. *United States* v. *Eichman*, 496 U. S. 310, 317-318 (1990). As Judge Katsas has rightly stated, "we cannot treat an injury as 'concrete' for Article III purposes based only on Congress' say-so." *Trichell* v. *Midland Credit Mgmt*., *Inc*., 964 F. 3d 990, 999, n. 2 (CA11 2020) (sitting by designation); see *Marbury*, 1 Cranch, at 178; see also *Raines*, 521 U. S., at 820, n. 3; *Simon* v. *Eastern Ky. Welfare Rights Organization*, 426 U. S. 26, 41, n. 22 (1975); *Muskrat* v. *United States*, 219 U. S. 346, 361-362 (1911).

For standing purposes, therefore, an important difference between (i) a plaintiff's statutory cause of action to sue a defendant over the defendant's violation of federal, and (ii) a plaintiff's suffering concrete harm because of the defendant's violation of federal law. Congress may even enact legal prohibitions and obligations. And Congress may create causes of action for plaintiffs to sue defendants who violate

those legal prohibitions or obligations. But under Article III, an injury in law is not an injury in fact. Only those plaintiffs who have been *concretely harmed* by a defendant over that violation in federal court. As then-Judge Barret succinctly summarized, "Article III grants federal courts the power to redress harms that defendants cause plaintiffs, not a freewheeling power to hold defendants accountable for legal infractions." *Casillas*, 926 F. 3d, at 332.

To appreciate how the Article III "concrete harm" principle operates in practice, consider two different hypothetical plaintiffs. An injured plaintiff who sues in those circumstances is, by definition, not seeking to remedy any harm to herself but instead is merely seeking to ensure a defendant's "compliance with regulatory law" (and, of course, to obtain some money via the statutory damages). *Spokeo*, 578 U.S., at 345 (Thomas, J., concurring) (internal quotation marks omitted); see *Steel Co.*, 523 U. S., at 106-107. Those are not grounds for Article III standing. A regime where Congress could freely authorize *unharmed* plaintiffs to sue defendants who violate federal law not only would violate Article III but also would infringe on the Executive Branch's Article II authority. We accept the "displacement of the democratically elected branches when necessary to decide an actual case." Roberts, 42 Duke L. J., at 1230. But otherwise, the choice of how to prioritize and how aggressively to pursue legal actions against defendants who violate the law falls within the discretion of the Executive Branch, not within the purview of purview of private plaintiffs (and their attorneys). Private plaintiffs are not accountable to the people and are not charged with pursuing the public interest in enforcing a defendant's general compliance with regulatory law. See *Lujan*, 504 U. S., at 577.

In sum, the concrete-harm requirement is essential to the Constitution's separation of powers. To be sure, the concrete-harm requirement can be difficult to apply in some cases. Some advocate that the concrete-harm requirement

be ditched altogether, on the theory that it would be more efficient or convenient to simply say that a statutory standing. But as the Court has often stated, "the fact that a given law or procedure is efficient, convenient, and useful in facilitating functions of government, standing alone, will not save it if it is contrary to the Constitution." *Chadha*, 462 U. S., at 944. So it is here.

It is so ordered.