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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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CAMRETA *v.* GREENE, PERSONALLY AND AS NEXT FRIEND OF S. G., A MINOR, ET AL.

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

No. 09–1454. Argued March 1, 2011—Decided May 26, 2011*

Nearly a decade ago, petitioner Camreta, a state child protective services worker, and petitioner Alford, a county deputy sheriff, interviewed then 9-year-old S. G. at her Oregon elementary school about allegations that her father had sexually abused her. They did not have a warrant or parental consent to conduct the interview. S. G. eventually stated that she had been abused. Her father stood trial for that abuse, but the jury failed to reach a verdict and the charges were later dismissed. S. G.'s mother, respondent here (hereinafter S. G.), subsequently sued Camreta and Alford on S G.'s behalf for damages under 42 U. S. C. §1983, alleging that the in-school interview breached the Fourth Amendment's proscription on unreasonable seizures. The District Court granted summary judgment to the officials. The Ninth Circuit affirmed. The Court of Appeals first ruled that seizing S. G. absent a warrant, court order, parental consent, or exigent circumstances violated the Constitution. But the court further held that the officials were entitled to qualified immunity from damages liability because no clearly established law had warned them of the illegality of their conduct. The court explained that it had chosen to rule on the merits of the constitutional claim so that officials would be on notice that they could not dispense with traditional Fourth Amendment protections in this context. Although the judgment entered was in their favor, Camreta and Alford petitioned this Court to review the Ninth Circuit's ruling that their conduct vio-

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*Together with No. 09–1478, *Alford, Deputy Sheriff, Deschutes County, Oregon* v. *Greene, Personally and as Next Friend of S. G., a Minor, et al.,* also on certiorari to the same court.

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lated the Fourth Amendment. S. G. declined to cross-petition for review of the decision that the officials have immunity.

Held:

1. This Court generally may review a lower court's constitutional ruling at the behest of government officials who have won final judgment on qualified immunity grounds. Pp. 4–14.

(a) The relevant statute confers unqualified power on this Court to grant certiorari "upon the petition of any party." 28 U. S. C. §1254(1). That language covers petitions brought by litigants who have prevailed, as well as those who have lost, in the courts below. Pp. 4–5.

(b) An appeal brought by a prevailing party may satisfy Article III's case-or-controversy requirement. To comply with that requirement, litigants must demonstrate a "personal stake" in the suit. *Summers* v. *Earth Island Institute*, 555 U. S. 488, ___. The petitioner has such a stake when he has "suffered an 'injury in fact'" that is caused by "the conduct complained of" and that "will be 'redressed by a favorable decision.'" *Lujan* v. *Defenders of Wildlife*, 504 U. S. 555, 560–561. And the opposing party also must have an ongoing interest in the dispute, so that the case features "'that concrete adverseness which sharpens the presentation of issues.'" *Los Angeles* v. *Lyons*, 461 U. S. 95, 101. The parties must have the necessary stake not only at the outset of litigation, but throughout its course. *Arizonans for Official English* v. *Arizona*, 520 U. S. 43, 67. So long as the litigants possess the requisite personal stake, an appeal presents a case or controversy, no matter that the appealing party was the prevailing party below. See *Deposit Guaranty Nat. Bank* v. *Roper*, 445 U. S. 326, 332–336; *Electrical Fittings Corp.* v. *Thomas & Betts Co.*, 307 U. S. 241.

This Article III standard often will be met when immunized officials seek to challenge a determination that their conduct violated the Constitution because that ruling may have prospective effect on the parties. So long as it remains good law, an official who regularly engages in the challenged conduct as part of his job (as Camreta does) must either change the way he performs his duties or risk a meritorious damages action. The official thus can demonstrate injury, causation, and redressability. And conversely, if the person who initially brought the suit may again be subject to the challenged conduct, she has a stake in preserving the court's holding so that she will have ongoing protection from the practice. Pp. 5–7.

(c) This Court's prudential practice of declining to hear appeals by prevailing parties does not bar consideration of immunized officials' petitions. The Court has recognized exceptions to this prudential rule when there has been a "policy reaso[n] . . . of sufficient im-

portance to allow an appeal" by the winner below. *Deposit Guaranty*, 445 U. S., at 336, n. 7. Just such a reason exists in qualified immunity cases. The constitutional rulings that prevailing parties ask the Court to consider in these cases have a significant future effect on the conduct of public officials and the policies of the government units to which they belong. The rulings are self-consciously designed to produce this effect by establishing controlling law and preventing invocations of immunity in later cases. Moreover, they are so designed with this Court's permission, to promote clarity—and observance—of constitutional rules. Taken together, these features of qualified immunity cases support bending the usual rule to permit consideration of immunized officials' petitions.

To begin with the nature of these suits: Under §1983 and *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388, a plaintiff may seek money damages from government officials who have violated her constitutional or statutory rights. But if those officials are entitled to qualified immunity, a court can dismiss the damages claim without ever deciding its merits—and so the qualified immunity situation threatens to leave standards of official conduct permanently in limbo. To prevent that problem, this Court has permitted lower courts to determine whether a right exists before examining whether it was clearly established. See, *e.g.*, *Pearson* v. *Callahan,* 555 U. S. 223, 237. Here, the Ninth Circuit followed exactly this two-step process so that it could settle a question of constitutional law and thereby guide the future conduct of officials.

Given its purpose and effect, such a decision is reviewable in this Court at an immunized official's behest. If the Court's usual prevailing party rule applied, the official would either have to acquiesce in a ruling he had no opportunity to contest in this Court, or defy the lower court's view, adhere to what has been declared an illegal practice, and invite further law suits and possible punitive damages. *Id.,* at 240–241. And applying this Court's usual bar on review would undermine the purpose of the two-step process, "which is to clarify constitutional rights without undue delay." *Bunting* v. *Mellen,* 541 U. S. 1019, 1024 (SCALIA, J., dissenting from denial of certiorari). Just as that purpose may justify an appellate court in reaching beyond an immunity defense to decide a constitutional issue, so too may it support this Court in reviewing the correctness of the lower court's decision.

This holding is limited in two respects. First, it addresses only this Court's authority to review cases in this procedural posture. The Court need not decide if an appellate court can also entertain an appeal from a party who has prevailed on immunity grounds. Second, the holding concerns only what the Court may review, not what the

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Court actually will choose to review. Going forward, the Court will consider prevailing parties' petitions one by one in accord with its usual standards for granting certiorari. Pp. 7–14.

2. A separate jurisdictional problem requires the Court to dismiss this case at the threshold: The case is moot. In a dispute of this kind, both the plaintiff and the defendant ordinarily retain a stake in the outcome. That is true of Camreta, who remains employed as a child protective services worker, and so has an interest in challenging the Ninth Circuit's ruling requiring him to obtain a warrant before conducting an in-school interview. But S. G. can no longer claim the plaintiff's usual stake in preserving the court's holding because she no longer needs protection from the challenged practice. She has moved to Florida and is only months away from her 18th birthday and, presumably, from her high school graduation. When "subsequent events ma[ke] it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur," there is no live controversy to review. *United States* v. *Concentrated Phosphate Export Assn., Inc.*, 393 U. S. 199, 203.

When a civil suit becomes moot pending appeal, this Court has authority to "direct the entry of such appropriate judgment, decree, or order, or require such further proceedings . . . as may be just under the circumstances." 28 U. S. C. §2106. The Court's "established" practice is to vacate the judgment below, see, *e.g., United States* v. *Munsingwear, Inc.*, 340 U. S. 36, 39, to ensure that "those who have been prevented from obtaining the review to which they are entitled [are] not . . . treated as if there had been a review," *ibid.* The point of vacatur is to prevent an unreviewable decision "from spawning any legal consequences." *Id.,* at 40–41. A constitutional ruling in a qualified immunity case is a legally consequential decision. When happenstance prevents this Court's review of that ruling, the normal rule should apply: Vacatur rightly "strips the decision below of its binding effect," *Deakins* v. *Monaghan*, 484 U. S. 193, 200, and clears "the path for future relitigation," *Munsingwear*, 340 U. S., at 40. Because mootness has frustrated Camreta's ability to challenge the Ninth Circuit's ruling that he must obtain a warrant before interviewing a suspected child abuse victim at school, that part of the Ninth Circuit's decision must be vacated. Pp. 14–18.

588 F. 3d 1011, vacated in part and remanded.

KAGAN, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, GINSBURG, and ALITO, JJ., joined. SCALIA, J., filed a concurring opinion. SOTOMAYOR, J., filed an opinion concurring in the judgment, in which BREYER, J., joined. KENNEDY, J., filed a dissenting opinion, in which THOMAS, J., joined.