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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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PATCHAK *v.* ZINKE, SECRETARY OF THE INTERIOR, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16–498. Argued November 7, 2017—Decided February 27, 2018

Petitioner David Patchak filed suit challenging the authority of the Secretary of the Interior to invoke the Indian Reorganization Act, 25 U. S. C. §5108, and take into trust a property (Bradley Property) on which respondent Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians wished to build a casino. In *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians* v. *Patchak*, 567 U. S. 209 (*Patchak I*), this Court held that the Secretary lacked sovereign immunity and that Patchak had standing, and it remanded the case for further proceedings. While the suit was back in District Court, Congress enacted the Gun Lake Act, 128 Stat. 1913, which "reaffirmed as trust land" the Bradley Property, §2(a), and provided that "an action . . . relating to [that] land shall not be filed or maintained in a Federal court and shall be promptly dismissed," §2(b). In response, the District Court dismissed Patchak's suit, and the D. C. Circuit affirmed.

Held: The judgment is affirmed.

828 F. 3d 995, affirmed.

JUSTICE THOMAS, joined by JUSTICE BREYER, JUSTICE ALITO, and JUSTICE KAGAN, concluded that §2(b) of the Gun Lake Act does not violate Article III of the Constitution. Pp. 4–16.

(a) Congress may not exercise the judicial power, see *Plaut* v. *Spendthrift Farm, Inc.*, 514 U. S. 211, 218, but the legislative power permits Congress to make laws that apply retroactively to pending lawsuits, even when it effectively ensures that one side will win, *Bank Markazi* v. *Peterson*, 578 U. S. ___, ___–___. Permissible exercises of the legislative power and impermissible infringements of the judicial power are distinguished by the following rule: Congress vio-

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lates Article III when it "compel[s] . . . findings or results under old law," *Robertson* v. *Seattle Audubon Soc.*, 503 U. S. 429, 438, but not when it "changes the law," *Plaut, supra*, at 218. Pp. 4–6.

(b) By stripping federal courts of jurisdiction over actions "relating to" the Bradley Property, §2(b) changes the law. Pp. 6–10.

(1) Section 2(b) is best read as a jurisdiction-stripping statute. It uses jurisdictional language, imposes jurisdictional consequences, and applies "[n]otwithstanding any other provision of law," including the general grant of federal-question jurisdiction, 28 U. S. C. §1331. And while §2(b) does not use the word "jurisdiction," jurisdictional statutes are not required to do so. See *Sebelius* v. *Auburn Regional Medical Center*, 568 U. S. 145, 153. Indeed, §2(b) uses language similar to language used in other jurisdictional statutes. See, *e.g., Gonzalez* v. *Thaler*, 565 U. S. 134, 142. And §2(b) cannot plausibly be read as anything other than jurisdictional. Pp. 6–7.

(2) When Congress strips federal courts of jurisdiction, it exercises a valid legislative power. This Court has held that Congress generally does not violate Article III when it strips federal jurisdiction over a class of cases, see *Ex parte McCardle*, 7 Wall. 506, 514, and has reaffirmed these principles on many occasions, see, *e.g.*, *Steel Co.* v. *Citizens for Better Environment*, 523 U. S. 83, 94–95. Pp. 7–10.

(b) Patchak's two arguments for why §2(b) violates Article III even if it does strip jurisdiction—that the provision flatly directs federal courts to dismiss lawsuits without allowing them to interpret or apply any new law, and that it attempts to interfere with this Court's decision in *Patchak I* that his suit "may proceed," 567 U. S., at 212—are unpersuasive. Pp. 10–15.

JUSTICE GINSBURG, joined by JUSTICE SOTOMAYOR, concluded that Congress' authority to forgo or retain the Government's sovereign immunity from suit suffices to decide this case. With *Patchak I* in mind, Congress acted effectively to displace the Administrative Procedure Act's waiver of immunity for suits against the United States—which enabled Patchak to launch this litigation—with a contrary command applicable to the Bradley Property. Pp. 1–2.

JUSTICE SOTOMAYOR concluded that §2(b) of the Gun Lake Act is most naturally read as having restored the Federal Government's sovereign immunity from Patchak's suit challenging the trust status of the Bradley Property. Pp. 1–2.

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