
MUNICIPAL ORDINANCE - INDIANA

City of Gary v. Nicholson

Supreme Court of Indiana - July 21, 2022 - N.E.3d - 2022 WL 2841364

State residents filed action seeking declaratory judgment that city's "welcoming ordinance" establishing commitment to protecting rights of immigrants violated state law and injunction preventing city from enforcing it.

Parties filed cross-motions for summary judgment, and the State intervened. The Superior Court entered summary judgment in favor of residents and entered injunction. City appealed. The Court of Appeals affirmed in part, reversed in part, and remanded with instructions.

On petition to transfer, the Supreme Court held that:

- Statute providing private right of action to compel enforcement with immigration laws did not confer standing;
- Residents lacked standing under public-standing doctrine; and
- State's intervention did not preclude dismissal based on residents' lack of standing.

Statute providing that, if a governmental body violates laws relating to citizen and immigration status information and enforcement of federal immigration laws, a person lawfully domiciled in Indiana may bring an action to compel the governmental body to comply with the laws, creates a private right of action, but it does not confer standing to bring such an action because it lacks an injury requirement; thus, a person lawfully domiciled in Indiana may have a statutory cause of action, but that does not mean the person has necessarily sustained an injury essential to obtaining judicial relief.

Indiana residents lacked standing under public-standing doctrine to bring action seeking declaratory judgment that city's "welcoming ordinance" establishing commitment to protecting rights of immigrants violated state law and injunction preventing city from enforcing it, in absence of allegations that they were injured.

State's intervention in action by Indiana residents seeking declaratory judgment that city's "welcoming ordinance" establishing commitment to protecting rights of immigrants violated state law and injunction preventing city from enforcing it did not preclude dismissal based on residents' lack of standing, where state did not file separate complaint, sought no relief from city, intervened only to offer its view of the meaning of the relevant statutory provisions, and conceded that dismissal would be appropriate if residents lacked standing.

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