

**John D. ASHCROFT, Former Attorney  
General, et al., Petitioners,**

v.

**Javaid IQBAL et al.  
No. 07–1015.**

Argued Dec. 10, 2008.

Decided May 18, 2009.

**Background:** Muslim Pakistani pretrial detainee brought action against current and former government officials, alleging that they took series of unconstitutional actions against him in connection with his confinement under harsh conditions after separation from the general prison population. The United States District Court for the Eastern District of New York, John Gleeson, J., 2005 WL 2375202, denied in part defendants’ motions to dismiss on ground of qualified immunity. Defendants appealed. The United States Court of Appeals for the Second Circuit, Jon O. Newman, Circuit Judge, 490 F.3d 143, affirmed in part, reversed in part, and remanded. Certiorari was granted.

**Holdings:** The Supreme Court, Justice Kennedy, held that:

- (1) Second Circuit had subject matter jurisdiction to affirm district court’s order denying officials’ motion to dismiss on grounds of qualified immunity, and
- (2) detainee’s complaint failed to plead sufficient facts to state claim for purposeful and unlawful discrimination.

Reversed and remanded.

Justice Souter filed dissenting opinion in which Justices Stevens, Ginsburg, and Breyer joined.

Justice Breyer filed dissenting opinion.

### 1. Federal Courts ⇌30, 31

Subject matter jurisdiction cannot be forfeited or waived and should be considered when fairly in doubt.

### 2. Federal Courts ⇌572.1

Under “collateral-order doctrine,” limited set of district court orders are reviewable though short of final judgment; orders within this narrow category are immediately appealable because they finally determine claims of right separable from, and collateral to, rights asserted in action, too important to be denied review and too independent of cause itself to require that appellate consideration be deferred until whole case is adjudicated. 28 U.S.C.A. § 1291.

See publication Words and Phrases for other judicial constructions and definitions.

### 3. Federal Courts ⇌574

District court decision denying Government officer’s claim of qualified immunity can fall within narrow class of appealable orders despite the absence of a final judgment. 28 U.S.C.A. § 1291.

### 4. Civil Rights ⇌1376(1, 2)

“Qualified immunity,” which shields Government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights, is both a defense to liability and limited entitlement not to stand trial or face the other burdens of litigation.

See publication Words and Phrases for other judicial constructions and definitions.

### 5. Federal Courts ⇌574

Provided it turns on issue of law, district court order denying qualified immunity can fall within narrow class of prejudgment orders reviewable under collateral order doctrine; such an order conclusively determines that defendant must bear burdens of discovery, conceptually distinct from merits of plaintiff’s claim, and would prove effectively unreviewable on appeal from final judgment. 28 U.S.C.A. § 1291.

petitioners adopted and implemented the detention policies at issue not for a neutral, investigative reason but for the purpose of discriminating on account of race, religion, or national origin.

Respondent disagrees. He argues that, under a theory of “supervisory liability,” petitioners can be liable for “knowledge and acquiescence in their subordinates’ use of discriminatory criteria to make classification decisions among detainees.” Iqbal Brief 45–46. That is to say, respondent believes a supervisor’s mere knowledge of his subordinate’s discriminatory purpose amounts to the supervisor’s violating the Constitution. We reject this argument. Respondent’s conception of “supervisory liability” is inconsistent with his accurate stipulation that petitioners may not be held accountable for the misdeeds of their agents. In a § 1983 suit or a *Bivens* action—where masters do not answer for the torts of their servants—the term “supervisory liability” is a misnomer. Absent vicarious liability, each Government official, his or her title notwithstanding, is only liable for his or her own misconduct. In the context of determining whether there is a violation of clearly established right to overcome qualified immunity, purpose rather than knowledge is required to impose *Bivens* liability on the subordinate for unconstitutional discrimination; the same holds true for an official charged with violations arising from his or her superintendent responsibilities.

#### IV

##### A

[10, 11] We turn to respondent’s complaint. Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” As the Court held in *Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed.2d

929, the pleading standard Rule 8 announces does not require “detailed factual allegations,” but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation. *Id.*, at 555, 127 S.Ct. 1955 (citing *Papasan v. Allain*, 478 U.S. 265, 286, 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986)). A pleading that offers “labels and conclusions” or “a formulaic recitation of the elements of a cause of action will not do.” 550 U.S., at 555, 127 S.Ct. 1955. Nor does a complaint suffice if it tenders “naked assertion[s]” devoid of “further factual enhancement.” *Id.*, at 557, 127 S.Ct. 1955.

[12, 13] To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Id.*, at 570, 127 S.Ct. 1955. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Id.*, at 556, 127 S.Ct. 1955. The plausibility standard is not akin to a “probability requirement,” but it asks for more than a sheer possibility that a defendant has acted unlawfully. *Ibid.* Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it “stops short of the line between possibility and plausibility of ‘entitlement to relief.’” *Id.*, at 557, 127 S.Ct. 1955 (brackets omitted).

Two working principles underlie our decision in *Twombly*. First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. *Id.*, at 555, 127 S.Ct. 1955 (Although for the purposes of a motion to dismiss we must take all of the factual allegations in the complaint as true, we