

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued May 7, 2026

Decided August 18, 2026

No. 24-7120

BRUNO K. MPOY,
APPELLANT

v.

JOHN BURST, IN HIS PERSONAL AND OFFICIAL CAPACITY, ET
AL.,
APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:23-cv-03027)

Robin C. Burrell, appointed by the court, argued the cause as *amicus curiae* in support of appellant. With her on the brief were *Daniel S. Volchok* and *Megan O. Gardner*, appointed by the court.

Bruno K. Mpoy, *pro se*, was on the brief for appellant.

Stephanie Sauer, Assistant Attorney General, Office of the Attorney General for the District of Columbia, argued the cause for appellees. On the motion to vacate and remand were *Brian*

L. Schwalb, Attorney General, *Caroline S. Van Zile*, Solicitor General, *Ashwin P. Phatak*, Principal Deputy Solicitor General, *Graham E. Phillips*, Deputy Solicitor General, and *Marcella Coburn*, Assistant Attorney General. *Jeremy R. Girton*, Assistant Attorney General, entered an appearance.

Before: KATSAS, RAO and CHILDS, *Circuit Judges*.

Opinion for the Court filed by *Circuit Judge* RAO.

RAO, *Circuit Judge*: The district court dismissed Bruno Mpoy’s section 1983 claim because he failed to exhaust administrative remedies available under District of Columbia law. But under longstanding Supreme Court and circuit precedent, a plaintiff need not exhaust state or D.C. remedies before bringing a section 1983 claim in federal court. We therefore reverse the dismissal of the section 1983 claim and remand for further proceedings consistent with this opinion.

I.

In August 2021, Mpoy was indefinitely suspended from his position as a teacher in the D.C. Public Schools (“DCPS”), allegedly without prior notice or an opportunity to be heard. Mpoy filed a pro se lawsuit in federal district court against Mayor Muriel Bowser and two DCPS officials, John Burst and Donielle Powe.

Mpoy’s complaint raised a procedural due process claim under 42 U.S.C. § 1983, as well as claims under D.C. law. The district court dismissed Mpoy’s section 1983 claim because he failed to exhaust administrative remedies under the District’s Comprehensive Merit Personnel Act (“CMPA”). *Mpoy v. Burst*, 2024 WL 3443605, at *3 (D.D.C. July 16, 2024). Having dismissed the section 1983 claim, the district court declined to

exercise supplemental jurisdiction over the D.C. law claims. *Id.* at *5–6.

Mpoy timely appealed, and this court appointed an amicus to argue on his behalf. Mpoy and the amicus challenge the dismissal of his section 1983 claim under *Patsy v. Board of Regents of Florida*, which held that “exhaustion of state administrative remedies” is not “a prerequisite to bringing an action pursuant to [section] 1983” in federal court. 457 U.S. 496, 516 (1982). In response, appellees conceded error and moved to vacate the judgment below. We denied the motion and heard oral argument, mindful of our duty to independently examine confessed errors before disturbing a final judgment. *See Young v. United States*, 315 U.S. 257, 258–59 (1942).

We review the district court’s dismissal of Mpoy’s complaint de novo. *Cannon v. District of Columbia*, 717 F.3d 200, 204 (D.C. Cir. 2013).

II.

The “settled rule” is that exhaustion of state remedies is generally “not a prerequisite to an action under [section] 1983.” *Knick v. Township of Scott*, 139 S. Ct. 2162, 2167 (2019) (cleaned up). Only Congress, not judges, may require the exhaustion of administrative remedies for a section 1983 claim brought in federal court. *See Patsy*, 457 U.S. at 512, 516. Because no federal statute requires Mpoy to exhaust administrative remedies under D.C. law, the district court erred in dismissing Mpoy’s section 1983 claim on exhaustion grounds.

A.

Mpoy’s claim arises under section 1983, which “guarantees a federal forum for claims of unconstitutional

treatment at the hands of state officials.” *Knick*, 139 S. Ct. at 2167 (cleaned up). Section 1983 makes no reference to exhaustion at all.¹ The Supreme Court has repeatedly held, most notably in *Patsy*, that the section 1983 remedial scheme is incompatible with judge-made exhaustion requirements. *See* 457 U.S. at 500, 507 (collecting cases). It would “defeat the purpose of [section] 1983” if the “assertion of a federal claim in a federal court must await an attempt to vindicate the same claim in a state [proceeding].” *Knick*, 139 S. Ct. at 2173 (quoting *McNeese v. Board of Ed. for Community Unit School Dist. 187*, 373 U.S. 668, 672 (1963)). The longstanding rule is therefore that plaintiffs need not exhaust state remedies before bringing claims under section 1983 in federal court. *Id.* at 2167; *Patsy*, 457 U.S. at 516.

This circuit has also squarely held that this settled rule governs section 1983 claims against D.C. officials, and so a plaintiff bringing such a claim in federal court “need not exhaust his local remedies.” *Tri Cnty. Indus., Inc. v. District of Columbia*, 104 F.3d 455, 457, 462 (D.C. Cir. 1997). Because section 1983 treats the District the same as a state, requiring exhaustion of D.C. law remedies is likewise incompatible with the text and design of section 1983.

Congress could have imposed an exhaustion requirement for section 1983 claims against D.C. officials. *See Patsy*, 457 U.S. at 501, 510 (“Congress is vested with the power to prescribe the basic procedural scheme under which claims may be heard in federal courts.”). But Congress has not done so, and

¹ Section 1983 provides a federal cause of action against “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia,” deprives another of “any rights, privileges, or immunities secured by the Constitution and laws.” 42 U.S.C. § 1983.

a “judicially imposed exhaustion requirement would be inconsistent” with the section 1983 remedial scheme. *Id.* at 507–08, 516.

Although the CMPA provides an alternative administrative scheme for Mpoy to contest his suspension, he is not required to exhaust these D.C. law remedies before bringing his section 1983 claim in federal court.

B.

In reaching a contrary result, the court below, like other district courts in this circuit, relied on inapposite circuit and D.C. Court of Appeals decisions and conflated exhaustion with the merits.

The district court relied on two of this court’s precedents, but neither applies here. In the first case, *National Treasury Employees Union v. King* (“*NTEU*”), this court stated that “exhaustion is required” for constitutional claims that are “premised on the same facts” as statutory claims and where the “administrative process is fully capable of granting full relief.” 961 F.2d 240, 243 (D.C. Cir. 1992) (cleaned up). But the claims at issue in *NTEU* were federal claims for which Congress had provided an administrative review scheme that implicitly required exhaustion. *See id.* at 242–44. *NTEU* is inapposite in the context of the CMPA and section 1983, because it is long settled that exhaustion of D.C. administrative remedies is not a condition for bringing section 1983 claims in federal court. *See Tri Cnty. Indus.*, 104 F.3d at 462.

The second case is *Johnson v. District of Columbia*, which affirmed the dismissal of several claims, including section 1983 claims, for failure to exhaust administrative remedies under the CMPA. 552 F.3d 806, 807–09 (D.C. Cir. 2008). *Johnson* made clear, however, that the plaintiff had waived any

challenge to the district court's conclusion that her section 1983 claims had to be exhausted under the CMPA. *Id.* at 814 n.8. In *Johnson*, this court merely assumed without deciding that exhaustion was required and did not otherwise reach the issue. *See id.*

The district court also stated that Mpoy's section 1983 claim is "statutorily preempted by the CMPA" and cited other district court decisions that have held the CMPA's remedial scheme implicitly precludes federal court jurisdiction over employment related claims brought under section 1983. *Mpoy*, 2024 WL 3443605, at *4 (citing *McManus v. District of Columbia*, 530 F. Supp. 2d 46, 79 (D.D.C. 2007)). Whether framed in terms of preemption or preclusion, this reasoning is wholly at odds with section 1983 and settled precedent.

It is true that the highest court in the District, the D.C. Court of Appeals, has held that the CMPA implicitly precludes the jurisdiction of local D.C. courts over covered claims until after administrative proceedings are completed. *See Stockard v. Moss*, 706 A.2d 561, 564, 567 (D.C. 1997). But the CMPA cannot preclude *federal court* jurisdiction over section 1983 claims. "Only Congress may determine a lower federal court's subject-matter jurisdiction." *Kontrick v. Ryan*, 540 U.S. 443, 452 (2004). Congress has withheld authority from the D.C. Council to alter the procedural framework by which section 1983 claims are resolved in federal court.² It would be

² Congress has delegated legislative power to the D.C. Council under the Home Rule Act, but this authority cannot be used to limit section 1983 claims brought in federal court. The Act "provides that the D.C. Council 'shall have no authority ... to amend or repeal any Act of Congress ... which is not restricted in its application exclusively in or to the District.'" *D.C. Ass'n of Chartered Pub. Schs. v. District of Columbia*, 930 F.3d 487, 492 (D.C. Cir. 2019) (quoting D.C. Code § 1-206.02(a)(3)). Because section 1983 plainly applies beyond the

extraordinary for a federal court to conclude that a state law administrative review scheme precludes federal court jurisdiction over section 1983 claims. So too for the CMPA.

Finally, the district court asserted that going through the CMPA administrative process would cure Mpoy’s alleged due process violation. *See Mpoy*, 2024 WL 3443605, at *3–4 (citing *Hoey v. District of Columbia*, 540 F. Supp. 2d 218, 227–29 (D.D.C. 2008)). This reasoning improperly conflates exhaustion with the merits.³ Whether the CMPA’s procedures might satisfy due process goes to the merits of Mpoy’s section 1983 claim, not to the question of whether failure to exhaust closes the courthouse doors. *See Williams v. Reed*, 145 S. Ct. 465, 471 n.4 (2025). The merits of Mpoy’s due process claim do not affect the longstanding rule that section 1983 claims brought in federal court are not subject to an exhaustion requirement.

District, it cannot be modified by the D.C. Council. The CMPA rightly says nothing about precluding federal court jurisdiction over section 1983 claims or exhausting administrative remedies before bringing such claims in federal court. The district court erred by relying on the CMPA to dismiss Mpoy’s section 1983 claim.

³ Other district courts have relied on similar reasoning to find “an exception” to *Patsy* that permits judge-made exhaustion requirements for section 1983 claims asserting procedural due process rights. *Hoey*, 540 F. Supp. 2d at 227. Binding precedent forecloses this due process exception. *See Tri Cnty. Indus.*, 104 F.3d at 462 (“[O]ne pursuing a procedural due process claim need not exhaust his local remedies.”); *see also Knick*, 139 S. Ct. at 2172–73 (explaining that the rule against exhaustion requirements for section 1983 claims is “as true for takings claims as for any other claim grounded in the Bill of Rights”).

In sum, Mpoy was not required to exhaust administrative remedies available under D.C. law before filing his section 1983 claim in federal court.

* * *

For the foregoing reasons, the district court erred in dismissing Mpoy's section 1983 claim for failure to exhaust remedies available under D.C. law. We reverse the district court's dismissal of that claim. We also vacate the dismissal of Mpoy's D.C. law claims because our reversal as to the section 1983 claim eliminates the district court's grounds for declining supplemental jurisdiction over the D.C. law claims. *See Cannon*, 717 F.3d at 208–09. We therefore reverse in part, vacate in part, and remand for further proceedings consistent with this opinion.

So ordered.