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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

Syllabus

DIETZ *v.* BOULDIN

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

No. 15–458. Argued April 26, 2016—Decided June 9, 2016

Petitioner Rocky Dietz sued respondent Hillary Bouldin for negligence for injuries suffered in an automobile accident. Bouldin removed the case to Federal District Court. At trial, Bouldin admitted liability and stipulated to damages of $10,136 for Dietz' medical expenses. The only disputed issue remaining was whether Dietz was entitled to more. During deliberations, the jury sent the judge a note asking whether Dietz' medical expenses had been paid and, if so, by whom. Although the judge was concerned that the jury may not have understood that a verdict of less than the stipulated amount would require a mistrial, the judge, with the parties' consent, responded only that the information being sought was not relevant to the verdict. The jury returned a verdict in Dietz' favor but awarded him $0 in damages.

After the verdict, the judge discharged the jury, and the jurors left the courtroom. Moments later, the judge realized the error in the $0 verdict and ordered the clerk to bring back the jurors, who were all in the building—including one who may have left for a short time and returned. Over the objection of Dietz' counsel and in the interest of judicial economy and efficiency, the judge decided to recall the jury. After questioning the jurors as a group, the judge was satisfied that none had spoken about the case to anyone and ordered them to return the next morning. After receiving clarifying instructions, the reassembled jury returned a verdict awarding Dietz $15,000 in damages. On appeal, the Ninth Circuit affirmed.

Held: A federal district court has a limited inherent power to rescind a jury discharge order and recall a jury in a civil case for further deliberations after identifying an error in the jury's verdict. The District Court did not abuse that power here. Pp. 4–13.

(a) The inherent powers that district courts possess "to manage

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their own affairs so as to achieve the orderly and expeditious disposition of cases," *Link* v. *Wabash R. Co.*, 370 U. S. 626, 630–631, have certain limits. The exercise of an inherent power must be a "reasonable response to the problems and needs" confronting the court's fair administration of justice and cannot be contrary to any express grant of, or limitation on, the district court's power contained in a rule or statute. *Degen* v. *United States*, 517 U. S. 820, 823–824. These two principles support the conclusion here.

First, rescinding a discharge order and recalling the jury can be a reasonable response to correcting an error in the jury's verdict in certain circumstances, and is similar in operation to a district court's express power under Federal Rule of Civil Procedure 51(b)(3) to give the jury a curative instruction and order them to continue deliberating to correct an error in the verdict before discharge. Other inherent powers possessed by district courts, *e.g.*, a district court's inherent power to modify or rescind its orders before final judgment in a civil case, see *Marconi Wireless Telegraph Co. of America* v. *United States*, 320 U. S. 1, 47–48, or to manage its docket and courtroom with a view toward the efficient and expedient resolution of cases, see *Landis* v. *North American Co.*, 299 U. S. 248, 254, also support this conclusion.

Second, rescinding a discharge order to recall a jury does not violate any other rule or statute. No implicit limitation in Rule 51(b)(3) prohibits a court from rescinding its discharge order and reassembling the jury. Nor are such limits imposed by other rules dealing with postverdict remedies. See, *e.g.*, Fed. Rules Civ. Proc. 50(b), 59(a)(1)(A). Pp. 4–7.

(b) This inherent power must be carefully circumscribed, especially in light of the guarantee of an impartial jury. Because discharge releases a juror from the obligations to avoid discussing the case outside the jury room and to avoid external prejudicial information, the potential that a jury reassembled after being discharged might be tainted looms large. Thus, any suggestion of prejudice should counsel a district court not to exercise its inherent power. The court should determine whether any juror has been directly tainted and should also take into account additional factors that can indirectly create prejudice, which at a minimum, include the length of delay between discharge and recall, whether the jurors have spoken to anyone about the case after discharge, and any emotional reactions to the verdict witnessed by the jurors. Courts should also ask to what extent just-dismissed jurors accessed their smartphones or the internet.

Applying those factors here, the District Court did not abuse its discretion. The jury was out for only a few minutes, and, with the exception of one juror, remained inside the courthouse. The jurors did

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not speak to any person about the case after discharge. And, there is no indication in the record that the verdict generated any kind of emotional reaction or electronic exchanges or searches that could have tainted the jury. Pp. 7–10.

(c) Dietz' call for a categorical bar on reempaneling a jury after discharge is rejected. Even assuming that at common law a discharged jury could never be brought back, the advent of modern federal trial practice limits the common law's relevance as to the specific question raised here. There is no benefit to imposing a rule that says that as soon as a jury is free to go a judge categorically cannot rescind that order to correct an easily identified and fixable mistake. And Dietz' "functional" discharge test, which turns on whether the jurors remain within the district court's "presence and control," *i.e.*, within the courtroom, raises similar problems. Pp. 11–13.

794 F. 3d 1093; affirmed.

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

SUPREME COURT OF THE UNITED STATES

No. 15–458

ROCKY DIETZ, PETITIONER *v.* HILLARY BOULDIN

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

[June 9, 2016]

JUSTICE SOTOMAYOR delivered the opinion of the Court.

In this case, a jury returned a legally impermissible verdict. The trial judge did not realize the error until shortly after he excused the jury. He brought the jury back and ordered them to deliberate again to correct the mistake. The question before us is whether a federal district court can recall a jury it has discharged, or whether the court can remedy the error only by ordering a new trial.

This Court now holds that a federal district court has the inherent power to rescind a jury discharge order and recall a jury for further deliberations after identifying an error in the jury's verdict. Because the potential of tainting jurors and the jury process after discharge is extraordinarily high, however, this power is limited in duration and scope, and must be exercised carefully to avoid any potential prejudice.

I

Petitioner Rocky Dietz was driving through an intersection in Bozeman, Montana, when Hillary Bouldin ran the red light and T-boned Dietz. As a result of the accident, Dietz suffered injuries to his lower back that caused him

severe pain. He sought physical therapy, steroid injections, and other medications to treat his pain. Dietz sued Bouldin for negligence. Bouldin removed the case to Federal District Court. See 28 U. S. C. §§1332, 1441.

At trial, Bouldin admitted that he was at fault for the accident and that Dietz was injured as a result. Bouldin also stipulated that Dietz' medical expenses of $10,136 were reasonable and necessary as a result of the collision. The only disputed issue at trial for the jury to resolve was whether Dietz was entitled to damages above $10,136.

During deliberations, the jury sent the judge a note asking: "'Has the $10,136 medical expenses been paid; and if so, by whom?'" App. 36. The court discussed the note with the parties' attorneys and told them he was unsure whether the jurors understood that their verdict could not be less than that stipulated amount, and that a mistrial would be required if the jury did not return a verdict of at least $10,136. The judge, however, with the consent of both parties, told the jury that the information they sought was not relevant to the verdict.

The jury returned a verdict in Dietz' favor but awarded him $0 in damages. The judge thanked the jury for its service and ordered them "discharged," telling the jurors they were "free to go." App. to Pet. for Cert. 25a. The jurors gathered their things and left the courtroom.

A few minutes later, the court ordered the clerk to bring the jurors back. Speaking with counsel outside the jury's presence, the court explained that it had "just stopped the jury from leaving the building," after realizing that the $0 verdict was not "legally possible in view of stipulated damages exceeding $10,000." *Id.,* at 26a. The court suggested two alternatives: (1) order a new trial or (2) reempanel the jurors, instructing them to award at least the stipulated damages, and ordering them to deliberate anew.

Dietz' attorney objected to reempaneling the discharged

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