ALM | LAW.COM

New York Law Journal

Rooker-Feldman After T.M.: Implications for Bankruptcy and Foreclosure Practice

By David A. Blansky

September 16, 2026

I. Introduction

The Supreme Court's decision in *T.M. v. University of Maryland Medical System Corp.*, 146 S. Ct. 1739 (2026), resolves a question that had divided the federal courts of appeals and is particularly important for Second Circuit practitioners: Does the *Rooker-Feldman* doctrine apply when a state-court judgment challenged in federal court remains subject to appellate review? The court answered yes.

In reaching that conclusion, the Supreme Court rejected the view that *Rooker-Feldman* applies only after the state proceedings have "ended." The court's holding that the doctrine may apply once a state-court judgment has been entered, even while an appeal remains pending, however, does not revive the broader versions of the doctrine that the court curtailed more than twenty years ago in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005). There, the court warned that *Rooker-Feldman* had been "construed to extend far beyond the contours of the *Rooker* and *Feldman* cases."

T.M. leaves those substantive limits intact. It changes when the doctrine may apply, not the type of federal action it bars: Rooker-Feldman remains limited to cases that, in substance, seek federal district-court review and rejection of state-court judgments.



Supreme Court Building

For New York practitioners, *T.M.* requires renewed attention to *Hoblock v. Albany County Board of Elections*, 422 F.3d 77 (2d Cir. 2005), and the decisions applying it. The Supreme Court did not displace the Second Circuit's basic framework. It did, however, eliminate the rule that a pending or available state appeal prevents *Rooker-Feldman* from applying.

II. From Rooker and Feldman to Exxon Mobil

Rooker-Feldman began with a straightforward jurisdictional boundary. Federal district courts exercise original jurisdiction; they do not sit as appellate courts over state-court judgments. In *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 414–16 (1923), the

Supreme Court held that a state-court loser could not ask a federal district court to declare the judgment unconstitutional and void. *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 476, 482, 486 (1983) clarified the limits by adding an important qualification: a district court may hear an independent constitutional challenge that does not require review of a particular state-court decision.

Together, *Rooker* and *Feldman* established the basic boundary: lower federal courts cannot review state-court judgments, but they may hear independent federal claims.

Lower federal courts eventually applied the doctrine well beyond those circumstances, blurring the distinction between an impermissible attack on a state-court judgment and a permissible independent federal claim. Exxon Mobil corrected that expansion and confined *Rooker-Feldman* to cases "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." 544 U.S. at 284.

The Supreme Court emphasized the limited reach of that rule, describing *Rooker-Feldman* as occupying "narrow ground." Consistent with that limited scope, the court also distinguished *Rooker-Feldman* from ordinary preclusion principles: an independent federal claim may remain within federal jurisdiction even if claim or issue preclusion ultimately defeats it. *Exxon Mobil* nevertheless left uncertainty about timing.

In discussing *Rooker* and *Feldman*, the Supreme Court observed that the federal actions began after the state proceedings had "ended." Did that mean *Rooker-Feldman* would apply as soon as a state-court judgment was entered, or only after the state appellate process was complete?

III. The Second Circuit's Post-Exxon Mobil Causation Framework

The Second Circuit developed *Exxon Mobil's* causation requirement by focusing on the source of the plaintiff's asserted injury and the relief sought. The critical question was not whether the federal claim overlapped with the state case, but whether the state-court judgment itself was the source of the plaintiff's injury.

In *Hoblock,* the Second Circuit distilled *Exxon Mobil* into four requirements: the federal plaintiff must have lost in state court; the plaintiff must complain of an injury caused by the state judgment; the plaintiff must seek federal review and rejection of that judgment; and the state judgment must have been rendered before the federal action commenced. 422 F.3d at 85.

Causation was the "core requirement." *Rooker-Feldman* applies when the injury is produced by the judgment, not when the judgment "simply ratified, acquiesced in, or left unpunished" an independently caused injury. *McKithen v. Brown*, 481 F.3d 89, 97–98 (2d Cir. 2007), reinforced that point, holding that *Rooker-Feldman* turns not on overlap between the state and federal claims, but on "the causal relationship between the state-court judgment and the injury."

Because *McKithen's* alleged injury predated the state proceeding, the judgment did not cause it. By contrast, *Vossbrinck v. Accredited Home Lenders, Inc.*, 773 F.3d 423, 426–27 (2d Cir. 2014), applied the doctrine where a homeowner sought title on the theory that a foreclosure judgment had been wrongly obtained. Relief would have required the federal court to conclude that the judgment "was issued in error."

Together, these cases clarified *Exxon Mobil's* substantive boundary: *Rooker-Feldman* turns on whether the state judgment caused the injury and whether granting federal relief would require

the court to decide that the judgment was wrongly entered. They did not, however, resolve the separate timing question: whether the doctrine applies upon entry of judgment or only after state appellate review ends. That issue later came to the forefront in *Hunter v. McMahon,* 75 F.4th 62 (2d Cir. 2023).

In *Hunter,* the Second Circuit relied on Exxon Mobil's reference to "ended" proceedings and held that Rooker-Feldman did not apply while an appeal from the challenged judgment remained pending. *Hunter*, 75 F.4th at 69–70.

By 2026, Second Circuit law therefore drew two separate boundaries: *Hoblock, McKithen*, and *Vossbrinck* defined what claims *Rooker-Feldman* bars by asking whether the state judgment caused the injury and whether granting federal relief would require the court to decide that the judgment was wrongly entered; Hunter defined when the doctrine applies, holding that it did not attach while an appeal remained pending. The Supreme Court confronted that timing rule directly in *T.M.:* does *Rooker-Feldman* apply once a state judgment is entered, or only after appellate review is complete?

IV. T.M. Resolves the Timing Question

The plaintiff in *T.M.* and the respondents negotiated a settlement that a Maryland state court entered as a consent order governing her release from involuntary commitment and aspects of her medical treatment. *T.M.,* 146 S. Ct. at 1745. Ten days later, she filed a federal action challenging the order's validity and constitutionality while pursuing review in the Maryland appellate courts. Her complaint sought declarations that the order violated due process, had been procured through duress, and was void, together with an injunction preventing its enforcement.

The Supreme Court held that the availability or pendency of state appellate review does not prevent *Rooker-Feldman* from applying. The relevant temporal question is whether the state-court judgment was rendered before the federal action commenced, not whether the judgment had become final after exhaustion of appellate review. Because the plaintiff claimed injury from the consent order and sought relief requiring the district court to reject it, the doctrine applied notwithstanding the state appeal.

The court's reasoning followed the doctrine's jurisdictional premise: the possibility that a state appellate court may later modify, reverse, or vacate a judgment does not authorize a federal district court to review that judgment in the meantime. The availability of state appellate review therefore does not expand the district court's original jurisdiction.

That holding rejects *Hunter's* timing rule and displaces *Hoblock's* treatment of whether state proceedings have "ended" as part of the timing inquiry, while leaving its causation and review-and-rejection framework intact.

The federal plaintiff still must be a state-court loser, the asserted injury must be caused by the judgment, the requested relief must require the district court to review and reject that judgment, and the judgment must have been rendered before the federal action commenced. *T.M.* continues to characterize *Rooker-Feldman* as narrow and states that the decision "neither expands nor constrains" its scope.

The practical dividing line therefore remains the source of the injury and the relief sought. A request to declare a state judgment void, prevent its enforcement on the ground that it was wrongly entered, or restore property lost because of it ordinarily calls for prohibited appellate review. A claim seeking damages for independent wrongful conduct stands differently. It may fail on preclusion or the merits, but those defenses do not

ordinarily deprive the district court of jurisdiction. *McKithen* and *Vossbrinck* remain useful on that distinction.

V. Practical Implications in Bankruptcy and Foreclosure

T.M. has particular significance when a debtor files bankruptcy after entry of a foreclosure judgment but before the foreclosure sale. *Rooker-Feldman* may prevent the bankruptcy court from revisiting the judgment even though the Bankruptcy Code continues to regulate its enforcement.

A pending appeal no longer provides a basis for asking the bankruptcy court to reconsider why the creditor was entitled to foreclose. What *T.M.* does not change is equally important. A bankruptcy court may accept the foreclosure judgment as entered and still decide independent questions arising under federal bankruptcy law.

The automatic stay under 11 U.S.C. §362(a), for example, generally stays a foreclosure sale without questioning the judgment's validity, and the court may determine whether the creditor is entitled to stay relief. In exercising that authority, the bankruptcy court is not sitting in review of the foreclosure judgment.

It accepts the rights established by the state court and addresses the separate federal question of how those rights may be enforced after the bankruptcy filing. In Chapter 13, §1322(c)(1) permits a default on the debtor's principal residence to be cured until the residence is "sold at a foreclosure sale" conducted under applicable nonbankruptcy law.

The distinction also affects how parties frame disputes in bankruptcy court. A debtor cannot avoid *Rooker-Feldman* simply by invoking the Bankruptcy Code if the requested relief would require the court to decide that the foreclosure judgment should not have been entered.

Conversely, the existence of a foreclosure judgment does not itself prevent the bankruptcy court from granting relief under an independent provision of the Bankruptcy Code where doing so does not require review or rejection of that judgment. The critical inquiry remains what the bankruptcy court is being asked to decide.

The foreclosure judgment may therefore be beyond lower-federal-court review even while bankruptcy law continues to govern what may happen next. In the post-judgment, pre-sale period, however, the critical question may be whether the foreclosure sale has occurred, not whether a state appeal remains pending.

For practitioners, *T.M.* sharpens the line between two different forms of relief: a bankruptcy court may not revisit whether the foreclosure judgment was correctly entered, but it may still apply federal bankruptcy law to the rights established by that judgment. *T.M.* therefore forecloses an appeal-based path to lower-federal-court review without displacing the bankruptcy court's authority over the automatic stay, cure rights, and enforcement.

Any challenge to the correctness of the judgment itself must proceed through the state appellate process and, where appropriate, the Supreme Court.

David A. Blansky *is counsel at Moritt Hock & Hamroff.* **Douglas Notaris**, *a law clerk at the firm, assisted in the preparation of this article.*

Reprinted with permission from the September 16, 2026 edition of the NEW YORK LAW JOURNAL © 2026 ALM Global Properties, LLC. All rights reserved. Further duplication without permission is prohibited, contact 877-256-2472 or asset-and-logo-licensing@alm.com. # NYLJ-09182026-73803