The Eleventh Amendment protects states from claims for monetary damages in federal court and prevents Congress from subjecting state governments to suit in state court without their consent.

However, the following avenues for litigation are not foreclosed by the Eleventh Amendment:

- Suits against state officials, rather than the states themselves, seeking injunctive and declaratory relief.
- Suits against “municipalities and other local governments” that maintain “custom[s], policy[ies], or practices that violate[] federal law,” including entities that contract with municipalities to perform services that are traditionally functions of the government, provided that those entities are not considered an “arm of the state” rather than a true municipal body.
- Suits against state officials in their individual capacities seeking damages to be paid by the official himself or herself, subject to certain immunity doctrines. For example, a qualified immunity protects conduct within the discretion of a public official unless that conduct violates “clearly established” law.

Footnotes


510 See, e.g., Buckner v. Toro, 116 F.3d 450, 452 (11th Cir. 1997) (explaining that a private corporation that contracts with a county to provide medical services to people who are incarcerated is performing “a function traditionally within the exclusive prerogative of the state” and thus becomes the “functional equivalent of the municipality” for purposes of section 1983 suits).


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