**[Blackmun Oral Argument Notes 10-08-89 IMAGE HAB323F090055][[1]](#footnote-1)**

No. 79-935Allen v. McCurry

Argued: October 8, 1980

11:05 Mr. FitzGibbon #3 slow blue collar

Justice White: Suppose the damage action were in state courts. Missouri court would dismiss on collateral estoppel grounds

 But a matter of federal law

Justice Rehnquist: Stefanelli v. Minard 342 U.S.[[2]](#footnote-2) check this if I *catch[[3]](#footnote-3)*

Justice Stevens: *Suppose* *subsequent* federal prosecution after suppression in state court. Collateral estoppel? Yes if a full and fair hearing in the state court. !!

 11:34

11:35 Mr. Shank 3 young hesitant

 Many questions

 Johnson v. Meteer, Ninth Circuit 625 F.2d 248[[4]](#footnote-4) 12:00

1:00 The federal forum is the focus here 1:05

1. Words added by the editor for clarity are enclosed in brackets as are editor comments. All footnotes have been added by the editor. Interpretations of which the editor is particularly uncertain are indicated in italics and alternative interpretations may be indicated in footnotes. Items in small caps were printed or typed in the original rather than handwritten. Items in green were in green in the original. [↑](#footnote-ref-1)
2. Presumably referring to Stefanelli v. Minard, 342 U.S. 117 (1951), which held that, in §1983 suits, federal courts—as a matter of equitable discretion—should not enjoin the use of unconstitutionally seized evidence. Stefanelli was a precursor of the Younger v. Harris, 401 U.S. 37 (1971) which proscribed most federal injunctions of pending state criminal proceedings. [↑](#footnote-ref-2)
3. The positioning of this note makes it unclear whether it refers to Justice Rehnquist’s comment or Justice Stevens’. [↑](#footnote-ref-3)
4. Presumably, Johnson v. Meteer, 625 F.2d 311 (9th Cir. 1980), a case which closely tracked Justice Blackmun’s own conclusion that, while collateral estoppel in 1983 cases might be appropriate if the current plaintiff had previously voluntarily litigated the issue in a prior state civil action, it should not be applied to bar relitigation if the current plaintiff had litigated the issue in a suppression hearing in a previous state criminal prosecution. [↑](#footnote-ref-4)