

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

To: The Chief Justice
Justice White
Justice Marshall
Justice Brennan
Justice Stevens
Justice Powell
Justice Rehnquist
Justice O'Connor

From: Justice Brennan

March 29, 1984

Handwritten notes in red ink, including a large signature and some illegible scribbles.

NO DRAFT

Re: 83-219 - McDonald v. City of West Branch, Michigan

No. 83-219

Dear Bill:

Please join me.

Respectfully,



Justice Brennan
Copies to the Conference

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ON WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE SIXTH CIRCUIT

March 29, 1984

JUSTICE BRENNAN delivered the opinion of the Court.

The question presented in this § 1983 action is whether a federal court may accord preclusive effect to an unappealed arbitration award in an case brought under that statute. In an earlier opinion, the Court of Appeals for the Sixth Circuit held that such awards have preclusive effect. 753 F.2d 1000 (1983), and now reversed.

On November 25, 1975, petitioner Gary McDonald, then a West Branch, Michigan Police Officer, was discharged. McDonald filed a grievance pursuant to the collective-bargaining agreement then in force between West Branch and the United Steelworkers of America (the Union), contending that there was "no proper cause" for his discharge, and that, as a result, the discharge violated the collective-bargaining agreement.

42 U. S. C. § 1983 provides in pertinent part:
"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."