

Decision attached in [PDF](#) [format](#)

On May 9th, the Fourth Circuit Court of Appeals became the final US circuit court to decide Judge Nelso

Antrican involves Medicaid-eligible children in North Carolina who have been unable to obtain dental ser

After District Judge Malcolm Howard rejected the state's motion to dismiss, the State Attorney General

The Fourth Circuit rejected each of the Attorney General's arguments. The Court also refused to exerci

Argument: The relief requested is not prospective.

Because the suit would require expenditure of funds from the State fisc, the state argued that the relief

Argument: No ongoing violation of federal law

The state next argued that there was no ongoing violation because the plaintiffs were presently receiving

Argument: The plaintiffs seek to enforce state, not federal, law

The state argued that merely paying a state-enacted program that treats people with targeted conditions

Argument: Spending Clause enactments are not Supreme Law of the Land

The state argued that Mississippi's Mother-Separation Act, § 93B, Supp. 2006-1-549 (Feb. Mich. 2006), applicable to the

Argument: The case is against the state because the state is the real

The Court rejected this argument quickly, noting that this assertion applies to every

Argument: North Carolina's special sovereignty interests protect it

The Attorney General argued that the state has a special sovereignty interest in determining how its limi

Argument: The remedial scheme of the Medicaid Act displaces

The Court found “no merit” in this argument: “[I]n designing an act in which a State could participate e

Argument: The action is not proper because it involves discretion

Rejecting the state’s final argument, the Court found: “This argument lacks merit because the Medicaid

The issues decided by the Fourth Circuit are also before the 5th, 6th, and 1st circuit courts of appeal.

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