



## SCOTUS Snapshot

*Your weekly window into the Court that shapes the nation.*

### ***The GEO Group v. Menocal – November 12, 2025***

#### **What's At Stake**

- What is the case about?

The Supreme Court heard oral argument this week in a case involving whether private government contractors can immediately appeal a denial of derivative sovereign immunity, a doctrine that grants contractors immunity from liability if they were acting within the scope of federal authority. Immigration detainees at GEO's Colorado facility claimed they were forced to clean under threat of punishment, and paid \$1 per day in the voluntary work program. The lower courts allowed the class action case to move forward and rejected GEO's immunity argument. The only argument before the Court is procedural: Can a private contractor immediately appeal the denial of derivative sovereign immunity without waiting for a final decision from the trial court?

- Who is affected and how?

Private government contractors, because the decision will shape their exposure to lawsuits and accountability; federal agencies, which rely heavily on contractors to perform core functions; and all future plaintiffs, whose ability to challenge contractor misconduct may become easier, or significantly harder, depending on the Court's ruling.

- Why does it matter?

Although the case is procedural, it has major consequences. Expanding derivative sovereign immunity risks creating a class of quasi-government actors that are shielded from accountability, even when contractors engage in abuse, neglect, or injury.

#### **Our Take**

Significantly, the U.S. government filed an amicus brief supporting the respondents, signaling that the executive branch is concerned about the implications of allowing private contractors to invoke government-style immunity to halt litigation before any facts are developed. Expanding derivative sovereign immunity would limit accountability and complicate federal oversight of contracted services. We believe, based upon the apparent skepticism on the bench, that the Court's decision will align with the government's position and rule against GEO.