

---

***Murthy v. Missouri*, No. 23-411**

Today, the Supreme Court held in a 6-3 decision that plaintiffs lacked standing to sue the federal government for urging social media companies to stop the spread of misinformation on their platforms.

**Background:** Certain social media companies have policies designed to limit false and misleading speech. During the COVID-19 pandemic and 2020 and 2022 election seasons, federal officials reached out to those companies to urge them not to spread COVID-19 and election-related misinformation.

Two States and five individuals sued the federal government, alleging that government officials had censored their speech in violation of the First Amendment. (The plaintiffs did not sue the social media companies because those companies are not government actors subject to the First Amendment.) The district court agreed with the plaintiffs and enjoined the federal government from influencing social media companies about content moderation on their platforms. The Fifth Circuit upheld the injunction.

**Issue:** Whether plaintiffs have Article III standing to sue the federal government for influencing social media companies to engage in content moderation.

**Court's Holding:** In an opinion authored by Justice Barrett and joined by Chief Justice Roberts and Justices Sotomayor, Kagan, Kavanaugh, and Jackson, the Supreme Court held that the plaintiffs lack standing to challenge federal officials' attempts to influence social media companies to limit or remove false or misleading social media posts.

The Court reaffirmed the longstanding test for Article III standing – requiring plaintiffs to show a concrete, particularized, and actual or imminent injury that is fairly traceable to the challenged action and can be redressed by a favorable ruling. Here, the Court explained, the plaintiffs did not show that their injuries are redressable, because the platforms decide what to post or not post, and federal courts cannot redress “injury that results from the independent action of some third party not before the court.” Further, the Court explained, the plaintiffs did not allege an imminent injury, because they did not allege that “at least one platform will restrict the speech of at least one plaintiff in response to the actions of at least one Government defendant.”

Justice Alito authored a lengthy dissent, joined by Justices Thomas and Gorsuch. The dissenting Justices would have reached the merits and held that the federal government had engaged in impermissible First Amendment coercion.

Read the opinion [here](#).