

The Supreme Court Holds That A Statutory Violation, Without Actual, Concrete Harm, Is Insufficient To Give Rise To Article III Standing

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To establish standing under Article III of the Constitution of the United States, a plaintiff must demonstrate an injury-in-fact. The Supreme Court of the United States previously explained in the seminal opinion of *Lujan v. Defenders of Wildlife*, that a plaintiff must have suffered an injury-in-fact that is both “concrete and particularized” and “actual or imminent” — i.e., abstract or speculative harm will not suffice. 504 U.S. 555, 560 (1992). The Court in *Lujan* and its later opinions did not address, however, whether a violation of a federal statute, standing alone, could satisfy Article III’s injury-in-fact requirement.

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