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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CLINTON, PRESIDENT OF THE UNITED STATES, ET AL. *v.* GOLDSMITH

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

No. 98–347. Argued March 22, 1999– Decided May 17, 1999

After respondent Goldsmith, an Air Force major, defied an order by a superior officer to inform his sex partners that he was infected with HIV and to take measures to block any transfer of bodily fluids during sexual relations, he was convicted by general court-martial of willful disobedience of an order and other offenses under the Uniform Code of Military Justice and sentenced to six years' confinement and partial forfeiture of salary. The Air Force Court of Criminal Appeals affirmed, and when Goldsmith sought no review of that decision in the Court of Appeals for the Armed Forces (CAAF), his conviction became final. Subsequently, in reliance on a newly enacted statute empowering the President to drop from the rolls of the Armed Forces any officer who had both been sentenced by a court-martial to more than six months' confinement and served at least six months, the Air Force notified Goldsmith that it was taking action to drop him from the rolls. Goldsmith did not immediately contest that proposal, but rather petitioned the Court of Criminal Appeals for extraordinary relief to redress the unrelated alleged interruption of his HIV medication during his incarceration. The court ruled that it lacked jurisdiction to act, and it was in Goldsmith's appeal from that determination that he first asserted the claim that the Air Force's action to drop him violated the *Ex Post Facto* and Double Jeopardy Clauses. The CAAF granted his petition for extraordinary relief and relied on the All Writs Act in enjoining the President and other officials from dropping Goldsmith from the Air Force rolls.

Held: Because the CAAF's process was neither "in aid of" its strictly circumscribed jurisdiction to review court-martial findings and sentences nor "necessary" or "appropriate" in light of a servicemember's

alternative opportunities to seek relief, that court lacked jurisdiction to issue an injunction against dropping respondent from the Air Force rolls. Pp. 4–11.

(a) The All Writs Act authorizes "all courts established by Act of Congress [to] issue all writs necessary or appropriate in aid of their respective jurisdictions." 28 U. S. C. §1651(a). Although military appellate courts are among those so empowered to issue extraordinary writs, see *Noyd* v. *Bond*, 395 U. S. 683, 695, n. 7, the All Writs Act does not enlarge those courts' power to issue process "in aid of" their existing statutory jurisdiction, see, *e.g*, *Pennsylvania Bureau of Correction* v. *United States Marshals Service*, 474 U. S. 34, 41. The CAAF is accorded jurisdiction by statute to "review the record in [specified] cases reviewed by" the service courts of criminal appeals, 10 U. S. C. §§867(a)(2), (3), which in turn have jurisdiction to "revie[w] court-martial cases," §866(a). Since the Air Force's action to drop respondent from the rolls was an executive action, not a "findin[g]" or "sentence," §867(c), that was (or could have been) imposed in a court-martial proceeding, the elimination of Goldsmith from the rolls appears straightforwardly to have been beyond the CAAF's jurisdiction to review and hence beyond the "aid" of the All Writs Act in reviewing it. Goldsmith's claim that the CAAF has satisfied the "aid" requirement because it protected and effectuated the sentence meted out by the court-martial is beside the point, for two related reasons. First, his court-martial sentence has not been changed; another military agency has simply taken independent action. Second, the CAAF is not given authority, by the All Writs Act or any other source, to oversee all matters arguably related to military justice, or to act as a plenary administrator even of criminal judgments it has affirmed. The CAAF spoke too expansively when it asserted that Congress intended it to have such broad responsibility. Pp. 4–7.

(b) Even if the CAAF had some seriously arguable basis for jurisdiction in these circumstances, resort to the All Writs Act would still be out of bounds, being unjustifiable either as "necessary" or as "appropriate" in light of alternative remedies available to a servicemember demanding to be kept on the rolls. The All Writs Act invests a court with a power essentially equitable and, as such, not generally available to provide alternatives to other, adequate remedies at law. See, *e.g.*, *Carlisle* v. *United States*, 517 U. S. 416, 429. This limitation operates here, since the Air Force Board of Correction for Military Records (BCMR) has authority to provide administrative review of the action challenged by respondent, and a servicemember claiming something other than monetary relief may challenge the BCMR's decision to sustain a decision to drop him from the rolls (or otherwise dismiss him) as final agency action under the Administrative Proce-

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dure Act. Moreover, in instances in which a claim for monetary relief may be framed, a servicemember may enter the Court of Federal Claims with a challenge to dropping from the rolls (or other discharge) under the Tucker Act, or he may enter a district court under the "Little Tucker Act." Pp. 7–11.

48 M. J. 84, reversed.

SOUTER, J., delivered the opinion for a unanimous Court.