

STEVENS, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 97-731

UNITED STATES, PETITIONER v. CHRIS W.
BEGGERLY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

[June 8, 1998]

JUSTICE STEVENS, with whom JUSTICE SOUTER joins, concurring.

As the Court correctly observes, the text of the Quiet Title Act, 28 U. S. C. §2409a(g), expressly allows equitable tolling by providing that the statute of limitations will not begin to run until the plaintiff or the plaintiff's predecessor "knew or should have known of the claim of the United States." Because the Beggerlys were aware of the Government's claim more than 12 years before they filed this action, the Court correctly holds that there is no basis for any additional equitable tolling in this case. We are not confronted with the question whether a doctrine such as fraudulent concealment or equitable estoppel might apply if the Government were guilty of outrageous misconduct that prevented the plaintiff, though fully aware of the Government's claim of title, from knowing of her own claim. Those doctrines are distinct from equitable tolling, see 4 C. Wright & A. Miller, *Federal Practice and Procedure* §1056 (Supp. 1998); cf. *United States v. Locke*, 471 U. S. 84, 94, n. 10 (1985) (referring separately to estoppel and equitable tolling), and conceivably might apply in such an unlikely hypothetical situation. The Court need not (and, therefore, properly does not) address that quite different type of case. Accordingly, I join the Court's opinion without reservation.