

Plaintiffs have only a generalized grievance and not the required particularized injury because global climate change affects everyone in the world. They cannot demonstrate causation because climate change stems from a complex, world-spanning web of actions across all fields of human endeavor, and Plaintiffs cannot plausibly connect their narrow asserted injuries — like flooding or drought in their neighborhoods — to any particular conduct by the government. In addition, Plaintiffs’ alleged injuries are not redressable because a single district judge may not ... seize control of national energy production, energy consumption, and transportation in the ways that would be required to implement Plaintiffs’ demanded remedies. ...

Plaintiffs’ alleged fundamental right to a “livable climate” finds no basis in this Nation’s history or tradition and is not even close to any other fundamental right recognized by the Supreme Court.

...

... The actions that Plaintiffs’ seek to compel are appropriately considered by the legislature and the executive, not by the courts. ...

The Constitution does not impose an affirmative duty to protect individuals. ... As a general matter, the Due Process Clause “is phrased as a limitation on the State’s power to act, not as a guarantee of certain minimal levels of safety and security. It forbids the State itself to deprive individuals of life, liberty, or property without ‘due process of law,’ but its language cannot fairly be extended to impose an affirmative obligation on the State to ensure that those interests do not come to harm through other means.”

... the climate system or atmosphere is unlike any resource previously deemed subject to a public trust. It cannot be owned and, due to its ephemeral nature, cannot remain within the jurisdiction of any single government.

-United States District Court for the District of Oregon, “Juliana v. United States, Appellants’ Opening Brief, United States Court of Appeals for the Ninth Circuit” (2019) excerpt.