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File Name: 26a0302p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

JOHN DOE #1, et al.,
Plaintiffs-Appellees,

v.

WILLIAM BYRON LEE,
Defendant,

DAVID B. RAUSCH, Director of the Tennessee Bureau of Investigation, in his official capacity,
Defendant-Appellant.

No. 25-6122

Appeal from the United States District Court for the Middle District of Tennessee at Nashville.
Nos. 3:21-cv-00590; 3:21-cv-00593; 3:21-cv-00595; 3:21-cv-00596; 3:21-cv-00597; 3:21-cv-00598; 3:21-cv-00624; 3:21-cv-00671—Aleta Arthur Trauger, District Judge.

Argued: August 4, 2026

Decided and Filed: November 13, 2026

Before: SILER, NALBANDIAN, and DAVIS, Circuit Judges.

COUNSEL

ARGUED: Gabriel Krimm, OFFICE OF THE TENNESSEE ATTORNEY GENERAL, Nashville, Tennessee, for Appellant. W. Justin Adams, SPENCER FANE LLP, Nashville, Tennessee, for Appellees. **ON BRIEF:** Gabriel Krimm, OFFICE OF THE TENNESSEE ATTORNEY GENERAL, Nashville, Tennessee, for Appellant. W. Justin Adams, SPENCER FANE LLP, Nashville, Tennessee, for Appellees.

OPINION

SILER, Circuit Judge. This case returns with a narrower dispute over Tennessee's sex-offender-registration law. Eight Plaintiffs whose offenses predate the registry contend that the law punishes them retroactively. In the first appeal, we directed the district court to examine the challenged provisions one by one and to limit any relief to provisions within the responsibility or enforcement authority of David Rausch, Director of the Tennessee Bureau of Investigation ("TBI"). On remand, the district court held that the law's classifications and several geographical restrictions violate the Ex Post Facto Clause as applied to Plaintiffs. It entered a new permanent injunction against Director Rausch, who again appeals.

The two sets of claims fail for different reasons. Director Rausch is a proper defendant for the classification claim. The classifications operate retrospectively, but they do not impose punishment. Plaintiffs lack standing to pursue the geographical claims against him because they have not shown that their injuries are fairly traceable to him or likely to be redressed by relief against him. We therefore REVERSE the classification judgment, VACATE the judgment on the geographical claims and the permanent injunction, and REMAND with instructions to enter judgment for Director Rausch on the classification claim and dismiss the geographical claims without prejudice.

I.

A.

Tennessee's first sex-offender registry law, the Sexual Offender Registration and Monitoring Act ("SORMA"), took effect on January 1, 1995. *Doe v. Lee (Doe I)*, 102 F.4th 330, 332–33 (6th Cir. 2024). In 2004, the General Assembly repealed SORMA and replaced it with the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act ("the Act"). *Id.* at 333. Three years later, the legislature extended registration to qualifying offenders convicted before January 1, 1995, who had not previously been required to register. 2007 Tenn. Pub. Acts ch. 465, § 3.

The Act regulates registrants in several ways. It assigns classifications, requires reporting, makes specified information public, and restricts where registrants may live, work, and spend time. Tenn. Code Ann. §§ 40-39-202, -204, -206, -207, -211. This appeal concerns the classifications and several geographical restrictions.

The relevant classifications depend on the registrant's offenses. A "[s]exual offender" has a qualifying conviction for a listed "[s]exual offense." Tenn. Code Ann. § 40-39-202(19)–(20). A "[v]iolent sexual offender" has a qualifying conviction for a listed "[v]iolent sexual offense." *Id.* § 40-39-202(30)–(31). An "[o]ffender against children" is a "sexual offender, violent sexual offender or violent juvenile sexual offender" whose "victim in one [] or more of the offender's crimes was" 12 years old or younger. *Id.* § 40-39-202(10). The Act classifies all eight Plaintiffs as violent sexual offenders and Does #5 and #7 as offenders against children.[1]

The classifications matter. Violent sexual offenders generally must report in person four times each year; sexual offenders generally report once each year. Tenn. Code Ann. § 40-39-204(b)(1), (c). While violent sexual offenders generally must register for life, eligible sexual offenders may file a request with TBI to terminate the registration requirement 10 years after the end of active supervision or discharge from incarceration without supervision. *Id.* § 40-39-207(a)(1), (g)(2)(B). The Act separately requires lifetime registration when an offender has been convicted of an offense involving a victim who was 12 years old or younger and requires public disclosure of the offender-against-children designation. *Id.* §§ 40-39-206(d)(16), -207(g)(2)(C). TBI also publishes specified registry information, including offenses of conviction. *Id.* § 40-39-206(a), (d)(3).

The Act also imposes geographical constraints. Section 40-39-211(a) generally bars a sexual or violent sexual offender from living or working within 1,000 feet of a school, child-care facility, park, playground, recreation center, or public athletic field. Subsection (b) limits contact with, and proximity to, a victim and their family. Subsection (c) prohibits living or staying

[1]The original declarations and attached profiles show that each Plaintiff committed a qualifying offense before January 1, 1995, and is classified as a violent sexual offender. TBI's profiles for Does #5 and #7 also displayed "Classification: VIOLENT AGAINST CHILDREN" and an "OFFENDER AGAINST CHILDREN" banner.

overnight at a residence with a minor if the registrant's victim was a minor. Subsection (d) restricts a registrant's presence at the listed facilities and idling within 1,000 feet of them when children are present, subject to exceptions. And subsection (k) generally bars a registrant from being alone with a minor in a private area. A knowing violation is a Class E felony. *Id.* § 40-39-211(f).

The Act divides responsibility for this system. Local registering agencies collect registration information and enter it into Tennessee's system, with TBI assistance. *Id.* §§ 40-39-203(a), (k), -204(a). TBI designs the forms, maintains the central database and the repository of original forms, facilitates data entry, and disseminates registry information. *Id.* §§ 40-39-204(a), (d), -205(a), -206(a)–(b), (d), -214(a). Whenever there is a factual basis to believe that an offender has not complied with the Act, TBI must make that information available through the registry to law-enforcement agencies and prosecutors. *Id.* § 40-39-206(b). District attorneys prosecute violations. *Id.* § 8-7-103(1).

Since March 25, 2025, the Act has expressly required TBI to classify each covered registrant as a sexual offender, violent sexual offender, or violent juvenile sexual offender; to determine whether the registrant is an offender against children; and to notify the registrant of its decision. 2025 Tenn. Pub. Acts ch. 66, §§ 1–2; Tenn. Code Ann. § 40-39-218(a)–(c). Even before that amendment, a TBI registration form contained a classification field, and TBI displayed classification information on public registry profiles.

In 2021, nine[2] Plaintiffs filed separate actions against Tennessee Governor William Lee and Director Rausch in their official capacities. They alleged that the Act violated the Ex Post Facto Clause of Article I, Section 10 of the United States Constitution as applied to them and sought declaratory and injunctive relief. The district court consolidated the cases and entered a preliminary injunction. In 2023, the court granted Plaintiffs' motion for summary judgment. Treating the Act as a unit, it held that the Act's combined effects amounted to retroactive punishment. It enjoined Governor Lee and Director Rausch from enforcing any part of the Act against Plaintiffs, ordered their removal from the registry, and entered a declaratory judgment.

[2]Doe #3 later died, and his estate did not continue his claim, leaving eight Plaintiffs.

We vacated much of that relief in the first appeal. *Doe I*, 102 F.4th at 332. We held that Plaintiffs lacked standing to sue Governor Lee, whose office played no role in their alleged injuries. *Id.* at 335–36. We directed the district court to dismiss Governor Lee, dissolve the injunction against him, and vacate the declaratory judgment. *Id.* at 342.

The claim against Director Rausch required a different approach. TBI's administration of the registry gave Plaintiffs standing to challenge the injuries it caused. *Id.* at 336. But neither standing nor the merits could be resolved by treating the Act as a whole. *Id.* at 339–42. We directed the district court to compare each challenged provision with *Smith v. Doe*, 538 U.S. 84 (2003), *Doe v. Bredesen*, 507 F.3d 998 (6th Cir. 2007), *Cutshall v. Sundquist*, 193 F.3d 466 (6th Cir. 1999), and *Does #1–5 v. Snyder*, 834 F.3d 696 (6th Cir. 2016). *Doe I*, 102 F.4th at 339–41. When those cases did not supply the answer, the court was to conduct a fresh analysis under *Kennedy v. Mendoza-Martinez*, 372 U.S. 144 (1963). *Doe I*, 102 F.4th at 339–41.

The first appeal also limited the relief available against Director Rausch. TBI's ordinary database, form, and disclosure functions were part of the "legitimate regulatory scheme," while the potentially unconstitutional classifications and geographical restrictions appeared to be enforced through "a diffusion of state officers and prosecutors" not before the court. *Id.* at 341–42. The record did not answer which challenged provisions fell within Director Rausch's responsibility or enforcement authority. *Id.* So we remanded for that answer. *Id.* at 342.

On remand, the district court dismissed Governor Lee and vacated its earlier declaratory judgment and permanent injunction. It reaffirmed summary judgment in part and ordered provision-specific and remedial briefing.

After further proceedings, the district court again ruled for Plaintiffs in part. It first concluded that Director Rausch was a proper defendant for both sets of claims because TBI classifies registrants, maintains the registry, prepares forms, exchanges information, and assists with suspected violations. On the merits, it held that the labels "violent sexual offender" and "offender against children" communicated present dangerousness and imposed punishment without an individualized risk assessment. It also held several geographical restrictions punitive under *Snyder*. The district court entered another permanent injunction.

The resulting permanent injunction has four operative paragraphs. The first three prohibit TBI from classifying Plaintiffs as violent sexual offenders and Does #5 and #7 as offenders against children, require notice to Plaintiffs of changed classifications, mandate automatic registry notices to other officials, and prohibit TBI from assisting others in enforcing provisions based on those classifications. The fourth paragraph requires notice to authorized enforcement officials—and, if TBI publishes a Plaintiff's profile, public notice—that several provisions of § 40-39-211 do not apply. Director Rausch appealed.

II.

We review the district court's summary-judgment rulings de novo. *Doe I*, 102 F.4th at 335. Summary judgment is proper if "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). We draw all reasonable inferences in favor of the nonmoving party. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587–88 (1986). We likewise review Article III standing and Ex Post Facto claims de novo. *Binno v. ABA*, 826 F.3d 338, 344 (6th Cir. 2016); *United States v. Kruger*, 838 F.3d 786, 789–90 (6th Cir. 2016).

Before reaching the merits, we must determine whether Director Rausch is a proper defendant. Plaintiffs bear the burden of establishing Article III standing. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). Standing is claim specific. Plaintiffs must establish it "for each claim" and "for each form of relief" they seek. *Davis v. FEC*, 554 U.S. 724, 734 (2008) (quoting *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006)). That requires an injury in fact that is fairly traceable to Director Rausch and likely to be redressed by a favorable decision. *Lujan*, 504 U.S. at 560–61. At summary judgment, allegations no longer suffice. Plaintiffs must support each element with evidence. *Id.* at 561.

Because Plaintiffs sued Director Rausch in his official capacity, they also must satisfy *Ex parte Young*. That exception to sovereign immunity requires Director Rausch to "have some connection with the enforcement" of the challenged law, *Ex parte Young*, 209 U.S. 123, 157 (1908), and a "realistic possibility" of acting against Plaintiffs' interests, *Doe v. DeWine*, 910

F.3d 842, 848–49 (6th Cir. 2018). Consistent with those claim-specific requirements, we first consider the classifications and then the geographical restrictions.

A.

Plaintiffs first challenge TBI's classifications. Director Rausch argues that the Act's definitions—not TBI—determine whether a registrant is a violent sexual offender or an offender against children. In his view, TBI offers only a nonbinding classification opinion while local officers, prosecutors, and courts independently apply the Act. Plaintiffs respond that their claim concerns TBI's assignment and maintenance of their classifications, its notices to registrants, and its publication of classification information.

Tennessee law gives TBI those responsibilities. TBI maintains the centralized registry and publishes the information specified by the Act. Tenn. Code Ann. § 40-39-206(a), (d). Current law also directs TBI to classify covered registrants, determine whether they are offenders against children, and notify them of their classifications. *Id.* § 40-39-218(a)–(c). The record confirms that TBI performed classification-related functions even before that provision took effect. A TBI registration form included a classification field, and TBI displayed classification information on the public profiles of Does #1, #5, and #7.

Director Rausch points out that § 40-39-218 postdates this lawsuit. But the amendment did not create TBI's connection to the classifications. As the pre-amendment record shows, TBI already performed the classification acts Plaintiffs challenge, and the first appeal held that TBI's existing statutory duties supported Article III standing as to provisions within its responsibility. *Doe I*, 102 F.4th at 335–36. TBI's present authority also bears on the prospective relief available. *See Landgraf v. USI Film Prods.*, 511 U.S. 244, 273–74 (1994) (explaining that entitlement to prospective relief is ordinarily governed by current law).

DeWine confirms this point. Although the officials there did not prosecute registry violations, they administered the registry, maintained the statewide database, and published the challenged classification. 910 F.3d at 848–50. Those functions made the asserted injury traceable to the officials and redressable by an order directed to them. TBI performs comparable functions here. *See* Tenn. Code Ann. §§ 40-39-206(a), (d)(16), -218(a), (c). Whether TBI's

classifications bind a prosecutor or court is immaterial. TBI's assignment, maintenance, notice, and publication of the classifications are the acts Plaintiffs challenge, and an order directed to TBI would redress the alleged injury from those acts. Those same duties also supply the enforcement connection required by *Ex parte Young*. *See Doe I*, 102 F.4th at 335–36; *DeWine*, 910 F.3d at 848–50. Director Rausch is therefore a proper defendant for the classification claim.

That brings us to the merits. The Ex Post Facto Clause bars a State from retroactively increasing the punishment for completed conduct. U.S. Const. art. I, § 10, cl. 1; *Weaver v. Graham*, 450 U.S. 24, 28–31 (1981). A claim therefore requires a law that operates retrospectively and imposes punishment. *Snyder*, 834 F.3d at 699–700.

Director Rausch first argues that the classifications operate prospectively because Tennessee uses prior convictions only as antecedent facts to address future risks. Plaintiffs respond that the classifications attach new legal consequences to completed offenses.[3]

A law operates retrospectively when it "changes the legal consequences of acts completed before its effective date." *Miller v. Florida*, 482 U.S. 423, 430 (1987) (quoting *Weaver*, 450 U.S. at 31). But "a statute 'is not made retroactive merely because it draws upon antecedent facts for its operation.'" *Landgraf*, 511 U.S. at 269 n.24 (quoting *Cox v. Hart*, 260 U.S. 427, 435 (1922)). These classifications do more. Each Plaintiff committed his qualifying offense before Tennessee enacted the classifications now applied to him. *See supra* note 1. Tennessee now uses those offenses to classify Plaintiffs, and TBI has displayed corresponding labels on the public registry. Tenn. Code Ann. §§ 40-39-202(10), (30)–(31), -206(d)(16), -218(a); *see supra* note 1. That does not merely draw on an antecedent fact; it changes the legal consequences of completed conduct. *See Landgraf*, 511 U.S. at 269 n.24; *Miller*, 482 U.S. at 430.

The registry cases confirm that conclusion. *Smith* treated comparable registration and notification requirements as retroactive when applied to offenders convicted before enactment. 538 U.S. at 89–93, 105–06. *Bredesen* likewise described Tennessee's violent-sexual-offender

[3]Plaintiffs also contend that Director Rausch failed to preserve this argument and that *Doe I* rejected it by necessary implication. Because his argument fails on the merits, we need not decide either issue.

reclassification as retroactive. 507 F.3d at 1000–01, 1003–07. Those decisions distinguish retrospectivity from punishment. Tennessee's preventive purpose bears on whether the classifications impose punishment, not whether they operate retrospectively. *See Smith*, 538 U.S. at 89–93, 102–03, 105–06; *Bredesen*, 507 F.3d at 1000–01, 1003–07. The classifications therefore operate retrospectively.

The remaining question is whether the classifications impose punishment. That inquiry has two steps. *Smith*, 538 U.S. at 92. At the first, we examine the statute's text, structure, and stated objectives to determine whether the legislature intended to impose punishment or establish a civil regulatory scheme. *Id.* at 92–93; *Ellingburg v. United States*, 607 U.S. 163, 165–68 (2026). If the legislature intended to impose punishment, the inquiry ends and the law may not be applied retroactively. *Smith*, 538 U.S. at 92. If instead it intended to create a civil regulatory scheme, we proceed to the second step. *Id.* There, we ask whether the challenged measure is nevertheless "so punitive either in purpose or effect as to negate the State's intention to deem it civil." *Id.* (citation modified). Only the "clearest proof" will do. *Id.* (citation modified).

Here, the first step is straightforward. The General Assembly intended a civil regulatory scheme. It described continued registration and public disclosure as necessary for public safety, declared that its disclosure policy "shall not be construed as punitive," and disclaimed any intent to "inflict retribution or additional punishment." Tenn. Code Ann. § 40-39-201(b)(6), (8). We accepted that characterization in *Bredesen*. 507 F.3d at 1003–04.

At the second step, the *Mendoza-Martinez* factors provide "useful guideposts." *Smith*, 538 U.S. at 97 (quoting *Hudson v. United States*, 522 U.S. 93, 99 (1997)). The factors relevant here ask whether the challenged measure (1) "has been regarded in our history and traditions as a punishment," (2) "imposes an affirmative disability or restraint," (3) "promotes the traditional aims of punishment," (4) "has a rational connection to a nonpunitive purpose," or (5) "is excessive with respect to this purpose." *Id.* (citing *Mendoza-Martinez*, 372 U.S. at 168–69); *Doe I*, 102 F.4th at 337. These factors are "neither exhaustive nor dispositive." *Smith*, 538 U.S. at 97 (quoting *United States v. Ward*, 448 U.S. 242, 249 (1980)). The two remaining considerations—scienter and whether the underlying conduct was already criminal—carry little weight in this context. *Id.* at 105.

Our first opinion tells us how to apply that framework to Tennessee's Act. We compare each challenged provision with the provisions addressed in *Smith*, *Bredesen*, *Cutshall*, and *Snyder*. If those cases supply the answer, they control. If they do not, we apply the guideposts directly. *Doe I*, 102 F.4th at 339–41.

The parties disagree about where Tennessee's classifications fall. Director Rausch relies on *Smith* and *Bredesen*. Those cases, he says, permit Tennessee to classify convicted sex offenders by offense, attach different registration requirements to those classifications, and disclose accurate conviction information without conducting an individualized risk assessment. He adds that *Bredesen* upheld Tennessee's retroactive use of the violent-sexual-offender classification and its attendant registration obligations. *Bredesen*, 507 F.3d at 1000–01, 1003–07. For Does #5 and #7, he says that "offender against children" communicates the statutory fact that at least one victim was 12 years old or younger. Tenn. Code Ann. § 40-39-202(10). Conversely, Plaintiffs rely on *Snyder*. They argue that Tennessee's terms communicate "present dangerousness" based solely on a conviction, without an "individualized assessment" or an opportunity to appeal, and impose state-created stigma much like Michigan's tiers. *Snyder*, 834 F.3d at 702–03. They add that the offender-against-children label applies without regard to the number of convictions or victims.

Director Rausch argues that the first appeal already resolved TBI's publication of the offender-against-children label. It did not. We approved TBI's dissemination of ordinary registry information while separately describing its categorization function as one that "may be questionable under *Snyder*." *Doe I*, 102 F.4th at 341–42. The mandate called for a provision-specific comparison with the controlling registry cases. It did not decide this claim. *Id.* at 339–42.

That comparison requires us to separate the statutory classifications and the requirements that depend on them from the words TBI has displayed to the public. Plaintiffs do not challenge the Act's annual and quarterly reporting schedules, registration-duration rules, or general publication requirements as independently punitive. Their classification claim instead challenges the statutory classifications, TBI's use of them in the registry, and enforcement based on them.

Smith and *Bredesen* govern the classifications and their ordinary consequences. The public labels require a closer look.

Those classifications and requirements resemble the scheme upheld in *Smith*. Alaska law classified registrants according to their offenses and criminal histories. *Smith*, 538 U.S. at 90. Registrants convicted of aggravated or repeated offenses registered for life and verified their information quarterly. *Id.* A registrant with one nonaggravated conviction verified annually for 15 years. *Id.* The Supreme Court upheld those requirements against an Ex Post Facto Clause challenge. *Id.* at 105–06. It explained that states may make "reasonable categorical judgments" based on convictions and need not determine each registrant's current dangerousness. *Id.* at 103–04.

Our decisions point in the same direction. *Cutshall* upheld Tennessee's predecessor law, which required registration and reporting and permitted law-enforcement officials to release registry information when necessary to protect the public. 193 F.3d at 470–71, 476–77. *Bredesen* comes closer to this case. We held the 2004 Act, which retroactively reclassified the plaintiff as a "violent sexual offender" and required lifetime registration, nonpunitive. 507 F.3d at 1000–01, 1003–07. Taken together, *Smith*, *Cutshall*, and *Bredesen* foreclose Plaintiffs' claim that Tennessee's statutory classifications or the reporting and registration requirements attached to them become punishment merely because they turn on convictions rather than individualized risk findings. *See Smith*, 538 U.S. at 102–06; *Cutshall*, 193 F.3d at 470–71, 476–77; *Bredesen*, 507 F.3d at 1000–01, 1003–07.

Snyder does not compel a different conclusion. Michigan's published tiers formed one part of a cumulative regime that also restricted where registrants could live and work and imposed cumbersome in-person reporting requirements. *Snyder*, 834 F.3d at 701–05. We considered the tiers when assessing historical shaming, but we evaluated the regime's punitive effects as a whole. *Id.* at 702–06. *Snyder* thus does not establish that an offense-based classification, standing alone, supplies the "clearest proof" of punishment. *See id.*; *Smith*, 538 U.S. at 92. Nor could *Snyder* overrule our earlier published decision in *Bredesen*. *See Doe I*, 102 F.4th at 339 & n.2.

Plaintiffs also rely on TBI's public profiles as evidence that the classifications impose punishment. The record contains 2021 profiles stating "Classification: VIOLENT" for Doe #1 and "Classification: VIOLENT AGAINST CHILDREN" for Does #5 and #7. The latter profiles also displayed an "OFFENDER AGAINST CHILDREN" banner.[4] The Act does not require TBI to publish either "Classification" phrase. *See* Tenn. Code Ann. § 40-39-206(d).

The Act does, however, require TBI to publish whether a registrant is an offender against children, along with the registrant's offense of conviction. *Id.* § 40-39-206(d)(3), (16). As applied here, that designation merely reflects the registrant's criminal history and the victim's age, not a separate TBI assessment of present dangerousness. *See id.* §§ 40-39-202(10), -206(d)(3), (16), -218(a).

Plaintiffs argue that the displayed words are more pointed than a numerical tier and may carry stigma beyond the offenses listed on the profile. The Act's findings lend that argument some force. The General Assembly found that "[r]epeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are violent sexual offenders who present an extreme threat to the public safety." Tenn. Code Ann. § 40-39-201(b)(1). *Snyder*'s discussion of historical shaming points the same way. 834 F.3d at 702–03. But *Smith* held that "the dissemination of accurate information about a criminal record" through a passive internet registry did not resemble traditional public shaming, even though the publicity could cause "personal embarrassment" or "social ostracism." 538 U.S. at 98–99, 105.

Nor does the public-profile evidence show that the classifications impose an additional restraint beyond the statutory requirements already addressed. The wording on the profiles does not itself limit where Plaintiffs may live, work, or travel or subject them to supervision. *See id.* at 100–02; Tenn. Code Ann. §§ 40-39-206(d), -211. Any reporting frequency or registration duration follows from the statutory classifications already addressed, not from the wording on

[4]At oral argument, counsel for Director Rausch represented that TBI no longer displays "VIOLENT" or "VIOLENT AGAINST CHILDREN" on the public registry and does not seek authority to restore those phrases. Oral Argument at 4:12–4:48, 5:35–6:16. The only public classification designation he asks us to uphold is "OFFENDER AGAINST CHILDREN." *Id.* at 7:36–8:11. Plaintiffs maintain, however, that their violent-sexual-offender classifications remain in TBI's underlying database. *Id.* at 15:19–16:20. Their claim challenges TBI's classifications and its use of them, not merely the wording on their public profiles. We consider the former public displays as evidence bearing on that classification challenge.

the profile. *See* Tenn. Code Ann. §§ 40-39-204(b)(1), (c), -207(a)(1), (g)(2)(B)–(C). For Does #5 and #7, the same victim-age fact that produces the offender-against-children designation independently requires lifetime registration. *Id.* §§ 40-39-202(10), -207(g)(2)(C).

Nor do the remaining guideposts establish punishment. That the disclosure may deter crime does not make it punitive. Tying a classification to the seriousness of past conduct does not render it retributive when the classification reasonably serves the State's regulatory objective. *Smith*, 538 U.S. at 102–03. Public disclosure bears a rational relationship to Tennessee's stated purpose of providing information to protect the public. Tenn. Code Ann. § 40-39-201(b)(6) (describing disclosure as "a means of assuring public protection"). And an offense-based measure is not excessive merely because it lacks an individualized risk assessment. *Smith*, 538 U.S. at 103–04. Considered apart from the independently challenged geographical restrictions, the added stigma does not provide the "clearest proof" of punishment. *See id.* at 92, 105–06.

The district court saw it differently. It treated Tennessee's classifications as direct analogues to *Snyder*'s tiers because, in its view, they were at least as shaming. That comparison overlooks the offense-based classifications and related requirements upheld in *Smith* and *Bredesen*, the limited effects of the public wording, and *Snyder*'s assessment of Michigan's cumulative regime. *See Smith*, 538 U.S. at 90, 98–104; *Snyder*, 834 F.3d at 701–05; *Bredesen*, 507 F.3d at 1000–07.

Because the classifications do not impose punishment, their retrospective application to Plaintiffs does not violate the Ex Post Facto Clause. We reverse the judgment on this claim and remand with instructions to enter judgment for Director Rausch.

B.

We next turn to the geographical claims, which challenge § 40-39-211's restrictions on where registrants may live, work, or be present. The same threshold principles apply, but the conduct at issue is different. Our first opinion held that Plaintiffs may sue Director Rausch only as to provisions within his "responsibility or enforcement authority." *Doe I*, 102 F.4th at 336. But we also recognized that TBI's forms, registry maintenance, and dissemination of information

are legitimate administrative functions, while the potentially unconstitutional provisions appeared to be "enforced by a diffusion of state officers and prosecutors" not before the court. *Id.* at 341–42. Because the record did not permit us to "say with finality" whether Director Rausch enforced an unconstitutional provision, we left that issue for remand. *Id.* at 341.[5]

To the extent an asserted geographical injury depends on a decision by a non-party official, Plaintiffs must also connect that decision to Director Rausch and show that relief against him would likely alleviate their injuries. *See Murthy v. Missouri*, 603 U.S. 43, 57–58, 73–74 (2024); *Haaland v. Brackeen*, 599 U.S. 255, 292–94 (2023).

Director Rausch says Plaintiffs have not met that burden. He argues that TBI's forms, training, recordkeeping, information sharing, and compliance assistance do not determine whether § 40-39-211 applies to a Plaintiff or control the local officers and prosecutors who enforce it. Plaintiffs respond that TBI's records and instructions tell registrants and enforcement officials that the restrictions apply without noting Plaintiffs' asserted constitutional exemption. The district court agreed, reasoning that TBI's registry and communications enable other officials to determine who is subject to the restrictions.

Tennessee law divides the relevant work among several actors. TBI, for its part, designs registration forms, maintains the centralized registry, and disseminates registry information. Tenn. Code Ann. §§ 40-39-205(a), -206(a), -214(a)–(b). Whenever there is a factual basis to believe that an offender has not complied with the Act, TBI must make that information available to designated enforcement officials. *Id.* § 40-39-206(b). These duties give TBI an important administrative role. But without more, they do not tie Director Rausch to a Plaintiff's injury under § 40-39-211. *See Doe I*, 102 F.4th at 341–42.

Plaintiffs' declarations point elsewhere. Doe #1 describes a local registry office's discovery of a nearby in-home daycare when he considered buying a home. Doe #5 identifies a state-court ruling concerning contact with his grandchildren. Doe #6 says that his understanding of the registry rules prevents overnight visits with his grandchildren. Doe #8 describes

[5]In a related appeal, we confirmed that Director Rausch could renew this fact-bound argument on remand. *Doe v. Lee*, 137 F.4th 569, 579 n.2 (6th Cir. 2025).

restrictions imposed by a parole officer. None attributes to TBI a decision applying the geographical restrictions or a threat of enforcement.

The evidence added on remand does not supply that connection. Excerpts from a 2018 deposition in another case describe TBI's coordination with local agencies on compliance operations, explain that TBI might prepare an offender packet if asked, note that TBI agents have participated in some operations, and discuss TBI's training of registry users. But the excerpts do not identify an operation involving one of the challenged geographical restrictions, much less one involving a Plaintiff. Plaintiffs also submitted a TBI instruction form that recites § 40-39-211. Yet the form directs an "officer/employee of the registering agency or juvenile court" to review the restrictions with the offender and obtain an acknowledgment. And the submitted form is blank. Nothing in either exhibit concerns the application or threatened enforcement of § 40-39-211 against a Plaintiff.

TBI's classification function does not bridge the gap. Subsections (a), (b), (d), and (k) of § 40-39-211 apply to sexual offenders and violent sexual offenders alike. Changing a Plaintiff's classification from violent sexual offender to sexual offender would not remove the residence, employment, presence, or idling restrictions. Subsection (c) applies to a sexual or violent sexual offender whose "victim was a minor," subject to exceptions that do not depend on TBI's offender-against-children designation. And the phrase "offender against children" does not appear in § 40-39-211. *See* Tenn. Code Ann. §§ 40-39-202(10), -211(a)–(d), (k). None of the challenged geographical restrictions therefore turns on which of those classifications TBI records for a Plaintiff. *See id.*

Plaintiffs next rely on TBI's coordination with other enforcement officials. They emphasize that § 40-39-204(a) directs registering agencies to enter data "for the enforcement of this part" by TBI and other designated entities. That language merely confirms TBI's role in the statewide system. It does not connect TBI's conduct to a decision to apply § 40-39-211 to a particular Plaintiff. The fact that the relevant actors are public officials, rather than private parties, does not supply the missing link. *See Murthy*, 603 U.S. at 57–58, 73–74; *Haaland*, 599 U.S. at 292–94. The evidence establishes coordination, but not the required causal link. Coordination could establish traceability if the evidence showed that a TBI communication

prompted a Plaintiff to comply with § 40-39-211 or influenced another official to apply or threaten to enforce it against a Plaintiff. *See Murthy*, 603 U.S. at 57–58, 61. The record shows neither.

Redressability poses the same problem. The district court ordered TBI to notify enforcement officials who submit or request registry data, or who contact TBI about a Plaintiff, that the geographical restrictions do not apply. When TBI publishes a Plaintiff's information, the order also requires TBI to post the same notice on the public profile. Plaintiffs claim that correcting TBI's records would substantially alleviate their injuries by reducing the risk that officials will treat them as subject to the restrictions. Director Rausch responds that the notices would not bind those officials and that the record does not show that any official has relied—or likely would rely—on TBI's asserted view of the restrictions.

TBI's declaration proposes a possible mechanism. It states that all registering agencies can access the nonpublic database and that TBI could add notice of this litigation and its outcome to the "Status Notes" section of each Plaintiff's profile, along with an offer to provide the injunction upon request. That step may be feasible. But feasibility is not redressability. When relief depends on a third party's response, the record must support a nonspeculative prediction that the requested relief will change that party's conduct. *See Diamond Alt. Energy, LLC v. EPA*, 606 U.S. 100, 112–13 (2025) (distinguishing "predictable" third-party responses from "speculative" ones).

The record does not show that any relevant official would respond that way. The declaration identifies no official linked to an asserted injury who would likely apply § 40-39-211 differently because of the note. The ordered public-profile notice fares no better. Neither notice binds the officials identified in Plaintiffs' declarations. *See Haaland*, 599 U.S. at 293 (explaining that absent "officials are nonparties who would not be bound by the judgment"). And neither the declarations nor the remand evidence shows that those officials would treat a Plaintiff differently under § 40-39-211 because of TBI's message. Nor does the record show that Doe #6 likely would learn of the public notice or change his conduct because of it. As we explained before, "Director Rausch cannot be enjoined from enforcing provisions of the Act which he does not enforce." *Doe I*, 102 F.4th at 342.

Even assuming injury in fact, Plaintiffs have not shown that an injury under § 40-39-211 is fairly traceable to Director Rausch or likely to be redressed by relief against him. *See Lujan*, 504 U.S. at 560–62. They therefore lack Article III standing to pursue the geographical claims against him. That jurisdictional defect ends the matter. We need not address Director Rausch's objection to the reentry of summary judgment. Nor need we address his remaining arguments about injury in fact, ripeness, *Ex parte Young*, § 1983, and equitable relief. We likewise do not reach the geographical merits or decide whether another official would be a proper defendant. We vacate the judgment on those claims and remand with instructions to dismiss them without prejudice. *See Ward v. Nat'l Patient Acct. Servs. Sols., Inc.*, 9 F.4th 357, 363 (6th Cir. 2021) (citation omitted) (explaining that "dismissal for lack of subject matter jurisdiction should normally be without prejudice").

B.

We review the grant of a permanent injunction for abuse of discretion. *Dutton v. Shaffer*, 171 F.4th 858, 869 (6th Cir. 2026). A permanent injunction requires "actual success" on the merits. *Id.* at 879 (citation omitted). Our conclusions therefore resolve the injunction. Its first three paragraphs cannot survive our reversal of the classification judgment, and its fourth cannot survive our vacatur of the geographical-restriction judgment. No established federal violation remains to support prospective relief. *See Green v. Mansour*, 474 U.S. 64, 68 (1985) (explaining that *Ex parte Young* permits prospective "relief to prevent a continuing violation of federal law").

Plaintiffs argue that Director Rausch did not separately challenge the provisions in paragraphs 1 and 3 that prohibit TBI from maintaining the disputed classifications or assisting enforcement based on them. But he seeks vacatur of the entire injunction and challenges each underlying judgment as well as the need for and scope of the resulting relief. That is enough to preserve the issue. We therefore vacate the permanent injunction in full. It is unnecessary to consider the parties' remaining arguments about the form and scope of the notice provisions.

III.

Tennessee's sex-offender-registration law does more than require registration. It classifies offenders and restricts where they may live, work, and travel. Director Rausch is responsible for TBI's classifications, but those classifications do not impose punishment. Plaintiffs lack standing to pursue the geographical claims against him because the record does not trace their injuries to him or show that relief against him would redress them. We therefore **REVERSE** the judgment on the classification claim and **REMAND** with instructions to enter judgment for Director Rausch. We **VACATE** the judgment on the geographical claims and **REMAND** with instructions to dismiss those claims without prejudice, and we **VACATE** the permanent injunction.