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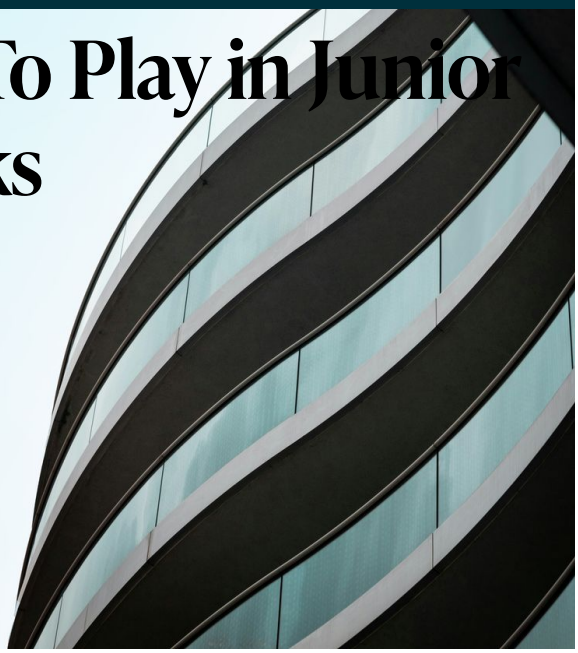
Antitrust Becoming a Go-To Play in Junior College Athletes' Playbooks



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It looks like 2026 will be another year of antitrust challenges by student-athletes for the National Collegiate Athletic Association ("NCAA"). On January 13th, a new federal challenge to the NCAA's eligibility rules was filed by Jabarrek Hopkins, a former junior college football player currently enrolled at NCAA Division I school Prairie View A&M University. Hopkins' case presents the NCAA with another inflection point where it must decide whether to change its eligibility rules so that Hopkins and potentially other junior college athletes can compete, or whether there is a viable path to defend its eligibility rules on the merits in an antitrust case.

At issue is section 12 of the NCAA bylaws, which provides student athletes with four years of athletic eligibility in a five-year period. Under the NCAA's interpretation of its bylaws, the clock begins to run on a student athlete's eligibility when they register at any collegiate institution. This includes participation in two-year junior college athletics programs that operate independently of the NCAA.

Hopkins' challenge to the NCAA's eligibility interpretation is the latest in a series of similar cases. Last year, Vanderbilt University's quarterback Diego Pavia sued the NCAA after his eligibility was denied for the 2024-25 NCAA season because he had already played four years of college football, including junior college participation. Pavia's challenge alleged, among other things, that the NCAA's eligibility denial violated the antitrust laws by stifling labor market competition for NCAA Division I football players. Now that NCAA players can earn money via

their "name, image, and likeness" ("NIL"), eligibility denials have the clear potential to cause players economic harm. Athletes, including Pavia, also argue that eligibility denials harm competition more broadly, including by denying football fans the right to watch the highest quality players. This critique was especially appropriate as to Pavia. Had the NCAA's initial denial of his 2024-25 eligibility been allowed to stand, football fans would have missed out on a season of seriously impressive football by an athlete who finished second in voting for the Heisman Trophy that year.

The courts that have considered lawsuits like these to date have already concluded they have merit. Pavia won a preliminary injunction in the Middle District of Tennessee after the District Court found that he was likely to succeed on the merits of his case. The Sixth Circuit did not weigh in on the merits, concluding that the issue was moot because the NCAA had agreed to grant Pavia and all other junior college athletes a temporary one-year waiver to participate in NCAA athletics during the 2024-25 season.

Because the injunction granted by the Middle District of Tennessee was limited to Pavia alone, it remains an open question whether the antitrust laws permit the NCAA to continue enforcing its eligibility limits against the thousands of other impacted student-athletes. Hopkins' lawsuit presents yet another opportunity for the courts to answer that question. Like Pavia, Hopkins is currently out of athletic eligibility under the NCAA's interpretation of its bylaws based on his participation at junior college program Independence Community College in 2021-22, and later stops at NCAA-affiliated schools Marshall University (2022-23), Youngstown State University (2024-25), and Prairie View A&M University (2025-26). But Hopkins is hoping he can leverage the antitrust laws to get another chance to play. His *pro se* complaint argues that the NCAA's member schools are horizontal competitors that have unreasonably agreed to prevent his participation in college athletics, thus limiting his access to the NIL opportunities that are generally available only to athletes at NCAA-affiliated colleges.

With the waiver that the NCAA granted last year during the pendency of its appeal in Pavia's case now expired, the NCAA now has a few options: (1) it can again acquiesce to this individual request to moot the broader question; (2) it can grant another blanket waiver for all student-athletes for the 2026-27 NCAA season; (3) it can amend its bylaws (or interpretation thereof) so that junior college participation does not count against student athletes' four years of eligibility; or (4) it can try to defend and win this latest lawsuit on the merits to stave the onslaught of junior college athletes challenging the rule. The case was filed on January 13, 2025, and is captioned *Hopkins v. Nat'l Collegiate Athletic Ass'n*, Case No. 4:26-cv-00014-RH-MJF (N.D. Fl.).

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