

23-677 ROYAL CANIN U.S.A., INC. V. WULLSCHLEGER

DECISION BELOW: 75 F.4th 918

LOWER COURT CASE NUMBER: 22-1796

QUESTION PRESENTED:

This Petition presents two separate but related questions concerning the ability of a plaintiff, in an action properly removed to federal court pursuant to 28 U.S.C. § 1441 (a) on the basis of federal-question jurisdiction under 28 U.S.C. § 1331, to compel a remand to state court by amending the complaint to omit federal questions:

1. Whether such a post-removal amendment of the complaint defeats federal-question subject-matter jurisdiction.
2. Whether such a post-removal amendment of the complaint precludes a district court from exercising supplemental jurisdiction over the plaintiffs remaining state-law claims pursuant to 28 U.S.C. § 1367.

Departing from every other circuit to consider these questions, the Eighth Circuit in this case answered each question in the affirmative and ordered a remand to state court, thereby providing a roadmap for any Eighth Circuit plaintiff determined to undermine a defendant's exercise of removal jurisdiction.

CERT. GRANTED 4/29/2024