

## 25-83 JULES V. ANDRE BALAZS PROPERTIES

DECISION BELOW: 2025 WL 1201914

LOWER COURT CASE NUMBER: 23-1253, 23-1283

### QUESTION PRESENTED:

Under Sections 9 and 10 of the Federal Arbitration Act, a party may apply to confirm or vacate an arbitration award. But federal courts have limited jurisdiction over Section 9 and 10 applications. In *Badgerow v. Walters*, 596 U.S. 1, 4, 9-11 (2022), this Court held that a federal court may exercise jurisdiction only if the application establishes diversity or federal-question jurisdiction on its face. A federal court may not exercise jurisdiction merely on the basis that the underlying dispute, save for the arbitration agreement, would have been justiciable in federal court. *See id.*

But what happens when a court initially exercises jurisdiction over the underlying dispute, stays the case pending arbitration, and is later faced with an application to confirm or vacate an arbitration award in the same case? The courts of appeals have sharply divided on the appropriate jurisdictional analysis. Several courts of appeals, including the Second Circuit below, have held that the initial exercise of jurisdiction creates a "jurisdictional anchor" that confers jurisdiction over a subsequent Section 9 or 10 application to confirm or vacate, even if jurisdiction would otherwise be absent. By contrast, the Fourth Circuit has held that a court must establish an independent basis for jurisdiction over a Section 9 or 10 application to confirm or vacate.

The question presented is:

Whether a federal court that initially exercises jurisdiction and stays a case pending arbitration maintains jurisdiction over a post-arbitration Section 9 or 10 application where jurisdiction would otherwise be lacking.

CERT. GRANTED 12/5/2025