All State Law Bark, No Federal Court Bite—Supreme Court's Royal Canin Decision Rules That a Complaint With Only "Leftover" State-Law Claims Will Not Remain in Federal Court

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In *Royal Canin U. S. A., Inc. v. Wullschleger*, No. 23-677 (Jan. 15, 2025), the U.S. Supreme Court issued a groundbreaking jurisdictional decision clarifying the interplay between the federal courts' subject matter jurisdiction over "federal questions" and their "supplemental jurisdiction" to resolve related state-law claims. It is common practice for a defendant named in a state-court lawsuit to remove the suit to federal court if the plaintiff's complaint seeks relief under federal law. This is known as "federal question" jurisdiction, as codified in 28 U.S.C. § 1331. At the same time, the defendant can also invoke the federal district court's (somewhat discretionary) "supplemental jurisdiction" under 28 U.S.C. § 1367 to hear state-law claims asserted in the lawsuit that arise from the same facts as the federal-law claims.

In *Royal Canin*, the U.S. Supreme Court confronted a wrinkle in that scenario. "What happens," the Supreme Court asked, "if, after removal, the plaintiff amends her complaint to delete all the federal-law claims, leaving nothing but state-law claims behind? May the federal court still adjudicate the now purely state-law suit?"

Previously, federal courts of appeals considering this question had answered "yes." These courts agreed that district courts had to look to the original complaint that supplied the basis for removal—and not to the amended, post-removal complaint—to determine whether there was federal-question subject-matter jurisdiction. That consensus rested on dictum from a Supreme Court case where the Court stated that "when a defendant removes a case to federal court based on the presence of a federal claim, an amendment eliminating the original basis for federal jurisdiction generally does not defeat jurisdiction." *Rockwell Int'l Corp. v. United*

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States, 549 U.S. 457, 474 n.6 (2007). But in 2023, the Eighth Circuit reached the opposite conclusion.

In *Wullschleger v. Royal Canin U.S.A., Inc.*, 75 F.4th 918 (8th Cir. 2023), two consumers filed suit against a manufacturer of prescription-only dog food. Alleging that the prescription-only requirement was simply a means to extract higher prices from consumers, the plaintiffs alleged violations of Missouri consumer-protection and antitrust laws, as well as the federal Food, Drug and Cosmetic Act (FDCA). The manufacturer removed the lawsuit to federal court. The plaintiffs then amended their complaint to remove all references to the FDCA and to proceed solely on the state-law claims. But when the plaintiffs sought to remand the case to state court, the federal district court refused.

On appeal, the Eighth Circuit reversed. In contrast to the view of other federal circuit courts, the Eighth Circuit ruled that once the complaint had been amended to delete the federal-law claims, "the possibility of supplemental jurisdiction vanished right alongside the once-present federal questions." Thus, the district court lost subject matter jurisdiction altogether and remand to Missouri state court was the "only option."

The U.S. Supreme Court granted certiorari to resolve the circuit split and, in a unanimous opinion authored by Justice Kagan, sided with the Eighth Circuit. The Supreme Court made clear that "if, after removal, the plaintiff amends her complaint to delete all the federal-law claims, leaving nothing but state-law claims behind," then the federal court no longer has jurisdiction to adjudicate the remaining state-law claims.

In doing so, the Supreme Court explained that under both § 1367 and "a slew of other, mainly judge-made procedural rules," jurisdiction is linked "to the amended, rather than the initial, complaint." This is so because "jurisdiction follows from (and only from) the operative pleading." In contrast, the rule embraced by the district court (and the majority of courts of appeals)—which focused on the presence of federal claims in the original complaint, regardless of post-removal amendments—was an anomaly without statutory support.

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As applied to the facts of *Royal Canin*, the Supreme Court explained that the initial removal had been proper because "[t]he earliest version of that suit contained federal-law claims" and "[t]he additional state-law claims were sufficiently related to the federal ones to come within that court's supplemental jurisdiction." But "when [the plaintiffs] amended [the] complaint, the jurisdictional analysis also changed" and the plaintiffs' "deletion of all federal claims deprived the District Court of federal-question jurisdiction." "And once that was gone," the Court stated, "the court's supplemental jurisdiction over the state claims dissolved too."

Key Takeaways

- **No leftover state-law claims.** *Royal Canin* clarifies that "supplemental jurisdiction" does not authorize federal courts to keep cases containing only "leftover" state-law claims. As Justice Kagan put it, once a plaintiff "has ditched all claims involving federal questions, the leftover state claims are supplemental to nothing—and §1367(a) does not authorize a federal court to resolve them."
- **Reaffirmation of plaintiffs' control over their own lawsuit.** The *Royal Canin* decision will surely affect how plaintiffs and defendants strategize for litigation. *Royal Canin* confirms a plaintiff's prerogative as "the master of the complaint." By amending the complaint, a plaintiff "can establish—or not—the basis for a federal court's subject-matter jurisdiction."
- **Vigilance against gamesmanship.** For defendants, removal to federal court won't stick if a plaintiff amends the complaint to allege only state-law claims. Defendants should request short deadlines for the parties to amend their pleadings and ask courts to rigorously enforce those deadlines. Defendants should also evaluate whether any claims nominally brought under state law necessarily raise a substantial and disputed federal issue. If so, a federal court may be able to exercise federal-question jurisdiction under the Supreme Court's decision in *Grable & Sons Metal Products, Inc. v. Darwe Engineering & Manufacturing*, 545 U.S. 308 (2005).

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