

Sample Form 17

Jurisdictional Checklist

1. **Jurisdiction Properly Alleged?**
2. **Federal Question?**
 - a. "Arising under" jurisdiction (not defensive or referential use of federal law)
 - b. Private right of action
 - c. Wholly insubstantial federal claim
3. **Diversity Jurisdiction?**
 - a. Complete diversity
 - b. Dual citizenship of corporations
 - c. Citizenship of all partners, association members, etc.
 - d. Supplemental parties joined by plaintiff disallowed
 - e. Amount in controversy (\$75,000)
 - f. Indispensable parties
4. **Removal jurisdiction?**
 - a. Federal question; diversity or "separate and independent" to federal question claim
 - b. Non-removable claims (e.g., FEOLA)
 - c. Waiver by consent or agreement
 - d. Removal limited to defendants
 - e. Artful pleading/complete preemption
 - f. Special removal statutes (e.g., federal officers)
 - g. Procedural defects:
 - i. Removal within 30 days of receipt by first defendant
 - ii. Joinder by all served defendants
 - iii. Other procedural requirements (attach papers, notices, etc.)
 - iv. Resident defendant removal (diversity)
 - v. Removal more than one year after commencement (diversity)
5. **Supplemental (Pendent) Jurisdiction**
 - a. Do state claims derive from "common nucleus of operative fact"
 - b. Is supplemental party added to action commenced before December 1, 1990 (*Finley v. U.S.*)
 - c. Does joinder of supplemental party destroy complete diversity (e.g., added by plaintiff, intervenor as plaintiff, indispensable party)
 - d. Are there reasons to decline supplemental jurisdiction (e.g., novel/complex state claims, federal claims dismissed, or other compelling reasons for dismissal/remand)
6. **Other Limitations?**
 - a. Venue
 - b. Timely and proper service—Fed. R. Civ. P. 4(j)
 - c. Personal jurisdiction
 - d. Jurisprudential limitations (standing, abstention, mootness, ripeness, etc.)

- e. Eleventh Amendment
- f. Failure to exhaust administrative remedies (e.g., EEOC), notice requirements, etc.