

OUTLINE

TABLE OF CASES	IX
Chapter 1. Subject Matter Jurisdiction	1
A. The Notion of Federal Subject Matter Jurisdiction.....	1
1. Subject Matter Jurisdiction Defined	3
2. Courts of General or Limited Jurisdiction	5
3. Original Jurisdiction and Appellate Jurisdiction	6
4. Federal Courts as Courts of Limited Jurisdiction	7
B. Strategic Value of Federal Jurisdiction.....	10
C. Objecting to Lack of Subject Matter Jurisdiction.....	15
1. The Rule 12(b)(1) Motion.....	16
2. Timing of the Rule 12(b)(1) Motion	19
3. Effect of Jurisdictional Dismissal.....	20
Chapter 2. Federal Question Jurisdiction.....	25
A. Constitutional Federal Question Jurisdiction.....	27
1. Ratification Era.....	28
2. <i>Osborn</i> and the Ingredient Test.....	30
3. Beyond the <i>Osborn</i> Ingredient Test	36
B. 28 U.S.C. § 1331 Federal Question Jurisdiction.....	37
1. The Well-Pleaded Complaint Rule	41
2. The Holmes Test	44
3. The <i>Smith</i> Test	50

4. Complete Preemption Doctrine.....	54
5. Declaratory Judgment Suits	57
Chapter 3. Diversity Jurisdiction.....	65
A. Constitutional Diversity Jurisdiction	66
1. Diversity Jurisdiction's Rationale	67
2. Article III Diversity	69
B. 28 U.S.C. § 1332 Diversity Jurisdiction	78
1. Complete Diversity	78
a. Statutory Categories of Diversity.....	80
b. Determining Citizenship.....	91
2. Amount in Controversy	98
a. Determining Amount in Simple Cases	100
b. Aggregating Claims.....	104
c. Valuing Injunctions.....	109
3. Limitations on Diversity	110
a. Diversity by Collusion	111
b. Family Law and Diversity	113
c. Probate Matters and Diversity	115
Chapter 4. <i>Erie</i> Doctrine.....	119
A. <i>Erie</i> as Choice of Law.....	120
B. The Regime Before <i>Erie</i>	122
C. The <i>Erie</i> Decision	126
D. Determining the Content of State Law	131
E. Substance v. Procedure.....	133
F. Applying the 3-Step Method.....	143
Chapter 5. Other Grounds for Original Jurisdiction.....	149
A. United States as a Party	150
1. United States as Plaintiff.....	150

2. United States as Defendant	152
B. Admiralty and Maritime Jurisdiction	157
1. Constitutional Admiralty Jurisdiction	157
2. 28 U.S.C. § 1333 Admiralty Jurisdiction ...	164
3. Admiralty Jurisdiction and Choice of Law	168
C. Original Jurisdiction in the Supreme Court ...	170
D. Suits Against Non-Diverse Foreign Parties	173
E. Habeas Corpus and Criminal Jurisdiction.....	176
Chapter 6. Supplemental Jurisdiction	179
A. Concept of Supplemental Jurisdiction.....	181
B. 28 U.S.C. § 1367 Supplemental Jurisdiction.....	186
1. Analysis of § 1367(a).....	187
2. Analysis of § 1367(b).....	191
3. Analysis of § 1367(c)	199
4. Analysis of § 1367(d).....	203
Chapter 7. Removal Jurisdiction.....	207
A. The General Rule for Removal.....	208
B. Removal of Cases in Diversity Jurisdiction ...	213
C. Procedure for Removal.....	215
D. Procedure After Removal.....	222
E. Other Removal Regimes	224
Chapter 8. Justiciability	227
A. Justiciability Doctrine Generally.....	228
1. No Advisory Opinions.....	229
2. Counter-Majoritarian Problem	231
B. Standing Doctrine	233
1. Injury in Fact	238
a. Legally Cognizable Interest.....	238

b. Concrete and Particularized	239
c. Actual or Imminent	241
2. Fairly Traceable.....	243
3. Redressable	245
4. Third-Party Claims.....	247
5. Generalized Grievance	249
C. Mootness Doctrine	252
D. Ripeness Doctrine	256
E. Political Question Doctrine	257

Chapter 9. Eleventh Amendment

Doctrine	263
A. The Eleventh Amendment's Broad Scope	264
1. The Aftermath of <i>Chisholm v. Georgia</i>	264
2. Immunity Principle Trumps Text.....	266
B. Overcoming the Immunity Principle	270
1. State Consent.....	271
2. <i>Ex Parte Young</i>	272
3. Abrogation Doctrine.....	277
a. Fourteenth Amendment Abrogation	278
b. Article I Abrogation.....	283

Chapter 10. Abstention Doctrine

A. Abstention Doctrine Generally	290
B. Unclear State Law and Abstention Doctrine	295
1. Constitutional Avoidance Under <i>Pullman</i>	296
2. Disruption of Complex State Administrative Schemes Under <i>Burford</i> ...	299
3. <i>Thibodaux</i> Abstention	301
C. Prevention of Parallel Litigation Under <i>Colorado River</i>	302

D. Prevention of “Horizontal Appeals” Under <i>Younger</i> Abstention.....	305
1. State Criminal Proceedings	306
a. <i>Younger v. Harris</i>	308
b. Ban on Horizontal Appeals	310
c. Expansion of <i>Younger</i>	312
d. Exceptions to <i>Younger</i>	315
e. Determining When a Federal Case Precedes a State Prosecution.....	317
2. State Civil Proceedings	321
a. The State a Party	321
b. The State Not a Party	324
c. State Administrative Action	325
INDEX.....	329