

## Supreme Court Update: Royal Canin U.S.A., Inc. v. Wulschleger (No. 23-677)

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In [\*Royal Canin U.S.A., Inc. v. Wulschleger \(No. 23-677\)\*](#), the Supreme Court resolved a jurisdictional dog fight over dog food. If a plaintiff files a complaint containing state- and federal-law claims, the complaint can ordinarily be removed to federal court, and that court will have jurisdiction to resolve all the claims. But what happens if, after removal, the plaintiff eliminates the federal causes of action, leaving only the state-law ones? A unanimous Court concluded that in that situation, the federal court no longer has jurisdiction over the now state-law-only case so it must be remanded to state court.

Royal Canin manufactures a brand of dog food that can be purchased only with a veterinarian's prescription. This mark of exclusivity allows it to charge a premium price. Anastasia Wulschleger purchased some of Royal Canin's food, believing that the prescription meant the food contained some medication not found in ordinary dog food. But when she learned that wasn't so, she sued Royal Canin in Missouri state court, alleging claims under the Missouri Merchandising Practices Act, state antitrust law, and the federal Food, Drug, and Cosmetic Act ("FDCA").

Royal Canin promptly removed the case to federal court based on Wulschleger's federal-law FDCA claim. Wulschleger countered that move by amending her complaint to excise all the federal claims and asking the District Court to remand the case. It declined, and ultimately dismissed her complaint for failure to state a claim. Wulschleger then appealed, arguing (among other things) that the District Court never should have reached the merits because it was required to remand the case to state court. The Eighth Circuit agreed with her, reasoning that the District Court's supplemental jurisdiction over the state-law claims vanished with the federal-law claims. But because other Courts of Appeal has reached the opposite result—allowing cases to persist in federal court notwithstanding the elimination of federal claims—the Supreme Court granted cert.

A unanimous Court agreed with the Eighth Circuit. Writing for the Court, Justice Kagan began by discussing the supplemental jurisdiction statute, 28 U.S.C. § 1367. In cases where a district court had "original jurisdiction" over a case, Section 1367 also gives the court "supplemental" jurisdiction over any non-federal law claims that are closely related to the federal ones. That means that if a plaintiff files a case in *federal* court asserting closely related state- and federal-law claims, the district court will ordinarily have supplemental jurisdiction over the state-law claims by virtue of its federal-question jurisdiction over the federal ones. But what if the plaintiff then amends the complaint to remove the

federal claims? In a prior case, *Rockwell International Corp. v. United States* (2007), the Court answered that question: Federal courts must look to the *amended complaint*, not the original one, in deciding whether they have jurisdiction. So if a plaintiff amends the complaint to eliminate the federal causes of action, supplemental jurisdiction over the state-law claims evaporates too.

Given *Rockwell International*, the only debate was whether the rule should be different for *removed* cases than it was for cases filed in federal court in the first place. Justice Kagan saw no reason why it should be: Section 1367's plain text draws no distinction between cases originally filed in federal court and cases that are moved there after being filed in state court. So if federal jurisdiction looks to the amended complaint in one context, it should do the same in the other. Kagan also concluded that this approach better fit with how amended pleadings affect jurisdiction in a variety of other contexts, where courts similarly look to amended pleadings alone to resolve jurisdictional questions.

So far so good. But complicating the analysis quite a bit was the inconvenient fact that a footnote in *Rockwell International* asserted that its rule *shouldn't* apply to removed cases given the "forum-manipulation concerns" of such cases. While that footnote did "set[] out exactly the rule Royal Canin wants," the Court dismissed it as non-binding dictum. After all, *Rockwell International* was a case that was filed in federal court in the first instance, so its speculative commentary about what should happen in a case that was *removed* to federal court was "beside the point." The Court's recent practice of refusing to give precedential effect to "drive-by jurisdictional rulings" (that is, decisions that blithely characterize some requirement as a "jurisdictional" one) applies with equal force to drive-by jurisdictional footnotes. So while every dog may have its day, this one's day is in Missouri court.

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National Law Review, Volume XV, Number 21

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