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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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**SYNGENTA CROP PROTECTION, INC., ET AL. v.
HENSON****CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT**

No. 01–757. Argued October 15, 2002—Decided November 5, 2002

Respondent Henson’s Louisiana state-court tort suit against petitioners was stayed when respondent intervened in the similar *Price* suit, underway in the Federal District Court for the Southern District of Alabama. Although the ensuing settlement in *Price* stipulated that the *Henson* action be dismissed with prejudice, the Louisiana state court allowed *Henson* to proceed. Petitioners removed *Henson* to the Middle District of Louisiana, relying upon the general removal statute, 28 U. S. C. §1441(a), and asserting federal jurisdiction under the All Writs Act, §1651, and the supplemental jurisdiction statute, §1367. The case was transferred to the Southern District of Alabama, which, *inter alia*, dismissed *Henson* as barred by the *Price* settlement. As relevant here, the Eleventh Circuit vacated, reasoning that §1441 by its terms authorizes removal only of actions over which the district courts have original jurisdiction, and that, because the All Writs Act authorizes writs in aid of the courts’ respective jurisdictions without providing any federal subject-matter jurisdiction in its own right, that Act could not support *Henson*’s removal from state to federal court.

Held: The All Writs Act does not furnish removal jurisdiction. That Act, alone or in combination with the existence of ancillary enforcement jurisdiction, is not a substitute for §1441’s requirement that a federal court have original jurisdiction over an action in order for it to be removed from a state court. Pp. 3–6.

(a) The All Writs Act—which provides, in §1651(a), that “courts established by . . . Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions”—does not authorize removal of the *Henson* action. In arguing that the Act supports

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removal, respondent relies upon *United States v. New York Telephone Co.*, 434 U. S. 159, 172, and *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U. S. 34, 41. The latter case, however, made clear that “[w]here a statute specifically addresses the particular issue at hand, it is that authority, and not the All Writs Act, that is controlling.” *Id.*, at 43. Removal is entirely a creature of statute and “a suit commenced in a state court must remain there until cause is shown for its transfer under some Act of Congress.” *Great Northern R. Co. v. Alexander*, 246 U. S. 276, 280. Petitioners may not, by resorting to the All Writs Act, avoid complying with statutory requirements for removal. See *Pennsylvania Bureau*, *supra*, at 43. Section 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed.” Under those plain terms, in order properly to remove the *Henson* action, petitioners must demonstrate that original subject-matter jurisdiction lies in federal courts. Because the All Writs Act does not confer jurisdiction on the federal courts, however, it cannot confer the original jurisdiction required to support removal under §1441. Pp. 3–5.

(b) Nor does the All Writs Act authorize the removal of *Henson* when considered in conjunction with the doctrine of ancillary enforcement jurisdiction. Such jurisdiction “may extend to claims having a factual and logical dependence on ‘the primary lawsuit.’” *Peacock v. Thomas*, 516 U. S. 349, 355. Because a court must have jurisdiction over a case or controversy before it may assert jurisdiction over ancillary claims, *ibid.*, however, ancillary jurisdiction cannot provide the original jurisdiction that petitioners must show to qualify for §1441 removal. Invoking ancillary jurisdiction, like invoking the All Writs Act, does not dispense with the need to comply with statutory requirements. Pp. 5–6.

261 F. 3d 1065, affirmed.

REHNQUIST, C. J., delivered the opinion for a unanimous Court. STEVENS, J., filed a concurring opinion.