

Syllabus

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

Syllabus

CARLSBAD TECHNOLOGY, INC. *v.* HIF BIO, INC.,
ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

No. 07–1437. Argued February 24, 2009—Decided May 4, 2009

Respondents filed a state-court suit alleging that petitioner had violated state and federal law in connection with a patent dispute. After removing the case to Federal District Court under 28 U. S. C. §1441(c), which allows removal if the case includes at least one claim over which the federal court has original jurisdiction, petitioner moved to dismiss the suit’s only federal claim, which arose under the Racketeer Influenced and Corrupt Organizations Act (RICO). Agreeing that respondents had failed to state a RICO claim upon which relief could be granted, the District Court dismissed the claim; declined to exercise supplemental jurisdiction over the remaining state-law claims under §1367(c)(3), which allows such a course if the court “has dismissed all claims over which it has original jurisdiction”; and remanded the case to state court. The Federal Circuit dismissed petitioner’s appeal, finding that the remand order could be colorably characterized as based on a “lack of subject matter jurisdiction” over the state-law claims, §1447(c), and was therefore “not reviewable on appeal,” §1447(d).

Held: A district court’s order remanding a case to state court after declining to exercise supplemental jurisdiction over state-law claims is not a remand for lack of subject-matter jurisdiction for which appellate review is barred by §§1447(c) and (d). With respect to supplemental jurisdiction, a federal court has subject-matter jurisdiction over specified state-law claims, see §§1367(a), (c), and its decision whether to exercise that jurisdiction after dismissing every claim over which it had original jurisdiction is purely discretionary, see, *e.g.*, *Osborn v. Haley*, 549 U. S. 225, 245. It is undisputed that when this case was removed, the District Court had original jurisdiction

Syllabus

over the federal RICO claim under §1331 and supplemental jurisdiction over the state-law claims, which were “so related to claims . . . within such original jurisdiction that they form[ed] part of the same case or controversy,” §1367(a). On dismissing the RICO claim, the court retained its statutory supplemental jurisdiction over the state-law claims. Its decision not to exercise that statutory authority was not based on a jurisdictional defect, but on its discretionary choice. See *Chicago v. International College of Surgeons*, 522 U. S. 156, 173. Pp. 3–6.

508 F. 3d 659, reversed and remanded.

THOMAS, J., delivered the opinion for a unanimous Court. STEVENS, J., and SCALIA, J., filed concurring opinions. BREYER, J., filed a concurring opinion, in which SOUTER, J., joined.