

Question

If someone in Oklahoma invites someone to his house and that person lives in Texas, and their whole plan is to submit false documents to the Texas courts to deprive another of their home, and this succeeds after submitting the false documents to the state court, does their action raise a federal question and can they be sued in federal court?

Answer (U.S. Federal)

Legal Research Analysis: Federal Question Jurisdiction in Cross-State Fraud Case

Short response

The described actions likely raise a federal question and can be sued in federal court if the plaintiff can establish violations of federal laws such as mail or wire fraud statutes (18 U.S.C. §§ 1341, 1343) or bring a civil RICO claim under [18 U.S.C. § 1964](#) based on the interstate fraud scheme. The cross-state nature of the fraudulent activity involving Oklahoma and Texas, combined with the use of false documents to deprive someone of property, potentially implicates federal jurisdiction.

Summary

The scenario described involves individuals from different states (Oklahoma and Texas) who conspire to submit false documents to Texas courts for the purpose of depriving another person of their home. This cross-state fraudulent scheme likely raises a federal question that would allow the case to be heard in federal court under 28 U.S.C. § 1331, which provides federal courts with jurisdiction over "civil actions arising under the Constitution, laws, or treaties of the United States."

Specifically, the described conduct potentially violates federal mail fraud ([18 U.S.C. § 1341](#)) or wire fraud ([18 U.S.C. § 1343](#)) statutes if the false documents were transmitted through mail, wire, or electronic communication across state lines. Additionally, the systematic nature of the scheme could constitute racketeering activity under the Racketeer Influenced and Corrupt Organizations Act (RICO), allowing for a civil action under [18 U.S.C. § 1964](#), which establishes federal jurisdiction for RICO claims. The interstate nature of the scheme, involving actors from different states coordinating to commit fraud through the judicial system, creates the necessary nexus to federal law required for federal question jurisdiction.

Background and Relevant Law

Federal Question Jurisdiction - General Principles

Federal courts are courts of limited jurisdiction, as opposed to state courts which are generally courts of general jurisdiction. Federal jurisdiction may be based on either the presence of a federal question or on diversity of citizenship. [Moye v. Creighton, No. 3:17-cv-01984-HZ \(D. Or. Feb 01, 2018\)](#) ("Federal courts are courts of limited jurisdiction... Federal jurisdiction may be based on the presence of a federal question or on diversity of citizenship.").

Under 28 U.S.C. § 1331, federal courts have "original jurisdiction over civil actions arising under the Constitution, laws, or treaties of the United States." [Taylor v. Rockyou, Inc., No. 4:18-cv-00849-HEA \(E.D. Mo. Aug 29, 2019\)](#) ("Federal question jurisdiction gives district courts 'original jurisdiction over civil actions arising under the Constitution, laws, or treaties of the United States.'").

The determination of whether a case "arises under" federal law is governed by the "well-pleaded complaint rule," which provides that "jurisdiction exists only when a federal question is presented on the face of a plaintiff's properly pleaded complaint." [Haulmark Servs., Inc. v. Solid Grp. Trucking, Inc., CIVIL ACTION H-14-0568 \(S.D. Tex. Nov 05, 2014\)](#) ("Under the well-pleaded complaint rule, 'a federal court has original or removal jurisdiction only if a federal question appears on the face of the plaintiff's well-pleaded complaint' and 'generally there is no federal jurisdiction if the plaintiff properly pleads only a state law cause of action.'").

It is important to note that the mere presence of a federal issue in a state law claim does not automatically confer federal jurisdiction. [Texas v. Clubcorp Holdings, 1:19-CV-00171-LY \(W.D. Tex. Nov 05, 2019\)](#) ("The Supreme Court has called this category of federal question cases 'special and small,' ... and directed that federal courts not treat 'federal issue' as a password opening federal courts to any state action embracing a point of federal law.").

Applicable Federal Statutes

Several federal statutes may be relevant to the scenario described in the question:

1. **Mail Fraud (18 U.S.C. § 1341)**: This statute prohibits using the mail system or private interstate carriers as part of a scheme to defraud. [18 U.S.C. § 1341 Frauds and Swindles, 18 U.S.C. § 1341](#) ("Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be

deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier... shall be fined under this title or imprisoned not more than 20 years, or both.").

2. **Wire Fraud ([18 U.S.C. § 1343](#))**: This statute prohibits the use of interstate wire communications (including telephone, email, or other electronic communications) in furtherance of a scheme to defraud. [18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television, 18 U.S.C. § 1343](#) ("Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.").
3. **RICO Act - Prohibited Activities ([18 U.S.C. § 1962](#))**: This provision makes it unlawful to engage in a pattern of racketeering activity that affects interstate commerce. [18 U.S.C. § 1962 Prohibited Activities, 18 U.S.C. § 1962](#) ("It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.").
4. **RICO Act - Civil Remedies ([18 U.S.C. § 1964](#))**: This provision establishes a civil cause of action for persons injured by violations of [18 U.S.C. § 1962](#). [18 U.S.C. § 1964 Civil Remedies, 18 U.S.C. § 1964](#) ("Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...").
5. **Venue Statute ([18 U.S.C. § 3237](#))**: This statute addresses the proper venue for prosecuting offenses begun in one district and completed in another. [18 U.S.C. § 3237 Offenses Begun In One District and Completed In Another, 18 U.S.C. § 3237](#) ("Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.").

Relevant Case Law

Federal courts have established certain principles for determining when state law claims may give rise to federal question jurisdiction. As noted in [Austin v. Ameritrust Mortg. Co., 510 F.Supp.2d 1218 \(N.D. Ga. 2007\)](#): "A plaintiff who has only pled state law causes of action may be subject to federal jurisdiction if (1) his/her state-law claims raise substantial federal questions; or (2) federal law completely preempts his/her state-law claims."

For federal question jurisdiction to exist, there must be a substantial federal issue at stake. [Anderson v. Woodreal Estates 506 LLC, Civil Action 24-cv-1520 \(W.D. La. Nov 08, 2024\)](#) notes: "Generally, under section 1331, a suit arises under federal law if there appears on the face of the complaint some substantial, disputed question of federal law."

In the context of fraud schemes that cross state lines, the Eleventh Circuit has recognized federal question jurisdiction in cases involving federal mail and wire fraud as predicate acts. [In re Bridgestone/Firestone Tires Products Liab., 203 F.Supp.2d 1032 \(S.D. Ind. 2002\)](#) states that federal question jurisdiction can exist where there is "the necessity for Plaintiffs to prove, as an essential element of their state law cause of action, the existence of federal mail and wire fraud crimes as predicate acts, which crimes would be enforceable in a federal civil RICO cause of action."

Secondary Materials

Civil RICO claims can provide a pathway to federal court for cases involving interstate fraud schemes. [Civil Rico: A Tool of Advocacy](#) notes: "Civil RICO can be utilized by institutions, corporations, banks, brokerage firms, and a bevy of other individuals and associations as plaintiffs and by defendants as counterclaims. The civil RICO cause of action is created by [18 U.S.C. § 1964\(c\)](#)...since an action under RICO arises under federal law, a plaintiff can elect to have access to federal court."

Analysis

Application of Mail and Wire Fraud Statutes

In the scenario described, individuals from Oklahoma and Texas conspired to submit false documents to Texas courts for the purpose of depriving another person of their home. If these false documents were transmitted either through mail (using the U.S. Postal Service or a private interstate carrier) or through electronic means across state lines, the conduct could potentially violate the federal mail fraud statute ([18 U.S.C. § 1341](#)) or wire fraud statute ([18 U.S.C. § 1343](#)).

The mail fraud statute applies when someone "places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier" as part of a "scheme or artifice to defraud." [18 U.S.C. § 1341 Frauds and Swindles, 18 U.S.C. § 1341](#). Similarly, the wire fraud statute applies when someone "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice." [18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television, 18 U.S.C. § 1343](#).

Given that the individuals are from different states (Oklahoma and Texas), and the documents were submitted to Texas courts, it is reasonable to

assume that interstate communications occurred in furtherance of the scheme. If the false documents were sent by mail across state lines or if the conspirators communicated about their scheme using interstate wires (phone, email, etc.), these actions could constitute violations of federal law, thereby creating a federal question that would allow the case to be heard in federal court.

Civil RICO Claims

Beyond the mail and wire fraud statutes, the scenario described potentially implicates the Racketeer Influenced and Corrupt Organizations (RICO) Act, specifically the civil remedies provision in [18 U.S.C. § 1964](#). This provision allows "[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter" to "sue therefor in any appropriate United States district court." [18 U.S.C. § 1964 Civil Remedies](#), [18 U.S.C. § 1964](#).

Section 1962 makes it unlawful for any person "through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." [18 U.S.C. § 1962 Prohibited Activities](#), [18 U.S.C. § 1962](#). Racketeering activity includes mail fraud and wire fraud, among other federal crimes.

In the scenario described, if the submission of false documents to Texas courts was part of a "pattern of racketeering activity" (which generally requires at least two predicate acts within a ten-year period), and if this activity was used to "acquire or maintain" an interest in property (the home), and if these activities affected interstate commerce (which they likely did, given the cross-state nature of the scheme), then the victim could potentially bring a civil RICO claim in federal court.

As noted in [Civil Rico: A Tool of Advocacy](#): "Civil RICO can be utilized by institutions, corporations, banks, brokerage firms, and a bevy of other individuals and associations as plaintiffs and by defendants as counterclaims...since an action under RICO arises under federal law, a plaintiff can elect to have access to federal court."

The cross-state nature of the conspiracy (Oklahoma and Texas) and the involvement of state courts (Texas) in the fraudulent scheme creates a sufficient nexus to interstate commerce to potentially satisfy the requirements of a civil RICO claim. If successful, the victim could recover "threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." [18 U.S.C. § 1964 Civil Remedies](#), [18 U.S.C. § 1964](#).

Well-Pleaded Complaint Rule

For federal question jurisdiction to exist, the federal issue must appear on the face of the plaintiff's well-pleaded complaint. [Taylor v. Rockyou, Inc., No. 4:18-cv-00849-HEA \(E.D. Mo. Aug 29, 2019\)](#) states: "Whether a claim arises

under federal law is determined by reference to the 'well-pleaded complaint.' The well-pleaded complaint rule provides that jurisdiction exists only when a federal question is presented on the face of a plaintiff's properly pleaded complaint."

In the scenario described, the plaintiff would need to explicitly allege violations of federal law (such as mail fraud, wire fraud, or RICO violations) in their complaint in order to establish federal question jurisdiction. A complaint that merely alleges state law claims like fraud, forgery, or conspiracy would generally not be sufficient to establish federal question jurisdiction, even if the underlying facts could potentially give rise to federal claims.

However, as noted in [Austin v. Ameriquest Mortg. Co., 510 F.Supp.2d 1218 \(N.D. Ga. 2007\)](#): "A state law claim raises a substantial federal question when federal law forms an essential element of plaintiff's claim, and 'the federal right or immunity that forms the basis of the claim must be such that the claim will be supported if the federal law is given one construction or effect and defeated if it is given another.'" In the scenario described, if the plaintiff's claim inherently depends on proving violations of federal law (such as mail or wire fraud), then federal question jurisdiction may exist even if the complaint primarily alleges state law claims.

Substantial Federal Question

For federal question jurisdiction to exist, the federal issue must be substantial, actually disputed, and capable of resolution in federal court without disrupting the federal-state balance. [Texas v. Clubcorp Holdings, 1:19-CV-00171-LY \(W.D. Tex. Nov 05, 2019\)](#) notes: "Instead, the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities."

In the scenario described, the federal issues at stake (potential violations of mail fraud, wire fraud, or RICO statutes) are substantial because they involve serious federal crimes designed to protect against interstate schemes to defraud. These issues are likely to be disputed by the defendants, who would contest whether their actions actually violated these federal statutes. And federal courts are the appropriate forum for resolving these issues, as they involve federal statutes specifically designed to address interstate fraud schemes.

Venue Considerations

If federal question jurisdiction is established, there may still be questions about the proper venue for the lawsuit. The venue statute, [18 U.S.C. § 3237 Offenses Begun In One District and Completed In Another, 18 U.S.C. § 3237](#), provides that "any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed."

In the scenario described, the offense began in Oklahoma (where one individual invited the other to devise the scheme), continued through interstate communications between Oklahoma and Texas, and was completed in Texas (where the false documents were submitted to the courts). As such, venue would be proper in either the federal district court in Oklahoma or the federal district court in Texas.

Exceptions and Caveats

Mere Presence of Federal Issue

It is important to note that the mere presence of a federal issue in a state law claim does not automatically confer federal question jurisdiction. [Texas v. Clubcorp Holdings, 1:19-CV-00171-LY \(W.D. Tex. Nov 05, 2019\)](#) cautions that federal courts should not treat "'federal issue' as a password opening federal courts to any state action embracing a point of federal law."

In the scenario described, if the complaint merely alleges state law claims like fraud or forgery, and the federal issues are merely tangential or not essential to the claims, then federal question jurisdiction may not exist. The federal issue must be substantial and necessary to the resolution of the case.

Burden of Establishing Jurisdiction

The burden of establishing federal jurisdiction rests with the party seeking to invoke it. [Lai v. Guller, CASE NO. 3:18-CV-1121-B-BK \(N.D. Tex. Nov 07, 2018\)](#) notes: "[T]he burden of establishing federal jurisdiction rests on the party seeking the federal forum."

In the scenario described, the plaintiff would bear the burden of demonstrating that their claims arise under federal law or otherwise satisfy the requirements for federal jurisdiction. This would require careful pleading and potentially the gathering of evidence to show that the defendants' actions violated federal mail fraud, wire fraud, or RICO statutes.

Alternative Basis for Federal Jurisdiction: Diversity

While the question specifically asks about federal question jurisdiction, it is worth noting that there may be an alternative basis for federal jurisdiction: diversity of citizenship. [Moye v. Creighton, No. 3:17-cv-01984-HZ \(D. Or. Feb 01, 2018\)](#) states: "For jurisdiction to exist by reason of diversity, the matter in controversy must exceed the sum or value of \$75,000, and the action must be between citizens of different states."

In the scenario described, the individuals are from different states (Oklahoma and Texas), and the matter in controversy involves a home, which likely exceeds \$75,000 in value. As such, even if federal question jurisdiction does not exist, the plaintiff may still be able to bring their case in federal court based on diversity jurisdiction.

Conclusion

Based on the analysis above, the actions described in the scenario likely do raise a federal question, allowing the case to be sued in federal court. The cross-state nature of the fraudulent scheme, involving individuals from Oklahoma and Texas conspiring to submit false documents to Texas courts to deprive someone of their home, potentially violates federal mail fraud ([18 U.S.C. § 1341](#)) and/or wire fraud ([18 U.S.C. § 1343](#)) statutes if the false documents or communications about the scheme were transmitted across state lines.

Furthermore, if the submission of false documents was part of a pattern of racketeering activity that affected interstate commerce, the victim could potentially bring a civil RICO claim under [18 U.S.C. § 1964](#), which explicitly provides for federal court jurisdiction.

For federal question jurisdiction to exist, the plaintiff would need to explicitly allege violations of these federal statutes in their well-pleaded complaint, or their state law claims would need to necessarily raise substantial federal issues. The burden would be on the plaintiff to establish that their claims arise under federal law.

Even if federal question jurisdiction does not exist, the plaintiff may still be able to bring their case in federal court based on diversity jurisdiction, given that the parties are from different states and the value of the home likely exceeds \$75,000.

In conclusion, the scenario described presents multiple potential bases for federal court jurisdiction, with federal question jurisdiction being a viable option if the plaintiff can successfully allege and prove violations of federal mail fraud, wire fraud, or RICO statutes.

Legal Authorities

[Haulmark Servs., Inc. v. Solid Grp. Trucking, Inc., CIVIL ACTION H-14-0568 \(S.D. Tex. Nov 05, 2014\)](#)

U.S. District Court — Southern District of Texas

Extract

A district court has original federal question jurisdiction over 'all civil actions arising under the Constitution, laws or treaties of the United States.' 28 U.S.C. § 1331. Under the well-pleaded complaint rule, 'a federal court has original or removal jurisdiction only if a federal question appears on the face of the plaintiff's well-pleaded complaint' and 'generally there is no federal jurisdiction if the plaintiff properly pleads only a state law cause of action.'

Summary

For a federal court to have jurisdiction, a federal question must appear on the face of the plaintiff's well-pleaded complaint. This means that the case must arise under the Constitution, laws, or treaties of the United States. If the complaint only involves state law causes of action, then federal jurisdiction is generally not applicable.

[Texas v. Clubcorp Holdings, 1:19-CV-00171-LY \(W.D. Tex. Nov 05, 2019\)](#)

U.S. District Court — Western District of Texas

Extract

The Supreme Court has called this category of federal question cases 'special and small,' *Empire Healthchoice Assurance, Inc. v. McVeigh*, 547 U.S. 677 (2006), and directed that federal courts not treat 'federal issue' as a password opening federal courts to any state action embracing a point of federal law.' *Grable*, 545 U.S. at 314; see also *Merrell Dow*, 478 U.S. at 813 (holding that the 'mere presence of a federal issue in a state cause of action does not automatically confer federal-question jurisdiction'). 'Instead, the question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.' *Grable*, 125 S.Ct. at 2368.

Summary

The presence of a federal issue in a state cause of action does not automatically confer federal-question jurisdiction. The passage emphasizes that a state-law claim must necessarily raise a stated federal issue that is actually disputed and substantial, and that a federal forum may entertain it without disturbing the balance of federal and state judicial responsibilities. This guidance is derived from Supreme Court rulings, making it broadly applicable to questions of federal jurisdiction.

[Phelps v. Dairyland Car Ins.](#)

U.S. District Court — Northern District of California

Extract

Under federal law, district courts are of limited jurisdiction and only have the power to adjudicate cases that have either "federal question jurisdiction" or "diversity jurisdiction." 28 U.S.C. §§ 1331, 1332(a). To have federal question jurisdiction, the claimant must demonstrate that the cause of action arises "under the Constitution, law, or treatises of the United States." 28 U.S.C. § 1331. ... These causes of action do not precisely arise

under federal law and are traditionally matters left to state court. The pleadings fail to assert any federal question appropriately within this Court's jurisdiction. 28 U.S.C. § 1331.

Summary

Causes of action that do not arise under federal law are traditionally left to state courts. Therefore, if the actions in question do not involve a federal law or constitutional issue, they may not raise a federal question.

[Anderson v. Woodreal Estates 506 LLC, Civil Action 24-cv-1520 \(W.D. La. Nov 08, 2024\)](#)

U.S. District Court — Western District of Louisiana

Extract

Another common basis for jurisdiction in civil cases is federal question jurisdiction pursuant to 28 U.S.C. § 1331. The well-pleaded complaint rule determines whether a federal claim is presented in the complaint sufficient to give rise to subject-matter jurisdiction. 'Generally, under section 1331, a suit arises under federal law if there appears on the face of the complaint some substantial, disputed question of federal law.' *Carpenter v. Wichita Falls ISD*, 44 F.3d 362, 366 (5th Cir. 1995). There is no federal jurisdiction if the plaintiff pleads only state law causes of action. *Gutierrez v. Flores*, 543 F.3d 248, 252 (5th Cir. 2008).

Summary

The passage explains that for a federal court to have jurisdiction under 28 U.S.C. § 1331, there must be a substantial, disputed question of federal law presented in the complaint. If the complaint only involves state law causes of action, federal jurisdiction does not exist. This is relevant to determining whether the actions described in the question could be brought in federal court based on a federal question.

[Moye v. Creighton, No. 3:17-cv-01984-HZ \(D. Or. Jan 19, 2018\)](#)

U.S. District Court — District of Oregon

Extract

Federal courts are courts of limited jurisdiction. *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 552 (2005). Federal jurisdiction may be based on the presence of a federal question or on diversity of citizenship. 28 U.S.C. §§ 1331, 1332. Federal question jurisdiction may exist where a claim involves the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. For jurisdiction to exist by reason of diversity, the matter in

controversy must exceed the sum or value of \$75,000, and the action must be between citizens of different states. 28 U.S.C. § 1332(a). The court must dismiss an action where it lacks subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3).

Summary

The passage explains the basis for federal jurisdiction, which can be either a federal question or diversity of citizenship. A federal question involves claims related to the Constitution, laws, or treaties of the United States. In the scenario described, the actions of submitting false documents to a state court do not inherently involve a federal question unless they violate a specific federal law or constitutional right. The passage also notes that for diversity jurisdiction, the matter must exceed \$75,000 and involve citizens of different states. However, the passage does not provide information on whether the described actions meet these criteria.

[Lai v. Guller, CASE NO. 3:18-CV-1121-B-BK \(N.D. Tex. Nov 07, 2018\)](#)

U.S. District Court — Northern District of Texas

Extract

A federal district court has subject matter jurisdiction over both (1) a federal claim arising under the Constitution, federal law, or a treaty, see 28 U.S.C. § 1331, and (2) a case where there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00, see 28 U.S.C. § 1332. '[A] federal court has original or removal jurisdiction only if a federal question appears on the face of the plaintiff's well-pleaded complaint.' *Gutierrez v. Flores*, 543 F.3d 248, 251-52 (5th Cir. 2008) (internal quotation marks omitted). Moreover, 'the burden of establishing federal jurisdiction rests on the party seeking the federal forum.' *Howery v. Allstate Ins. Co.*, 243 F.3d 912, 916 (5th Cir. 2001).

Summary

Criteria for federal jurisdiction, which includes federal claims arising under the Constitution, federal law, or treaties, and cases with complete diversity of citizenship and an amount in controversy exceeding \$75,000. It also emphasizes that a federal question must appear on the face of the plaintiff's well-pleaded complaint, and the burden of establishing federal jurisdiction lies with the party seeking the federal forum. This information is generally applicable to cases involving federal jurisdiction.

[Moye v. Creighton, No. 3:17-cv-01984-HZ \(D. Or. Feb 01, 2018\)](#)

U.S. District Court — District of Oregon

Extract

Federal courts are courts of limited jurisdiction. *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 552 (2005). Federal jurisdiction may be based on the presence of a federal question or on diversity of citizenship. 28 U.S.C. §§ 1331, 1332. Federal question jurisdiction may exist where a claim involves the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. For jurisdiction to exist by reason of diversity, the matter in controversy must exceed the sum or value of \$75,000, and the action must be between citizens of different states. 28 U.S.C. § 1332(a).

Summary

The passage explains that federal courts have limited jurisdiction, which can be based on either a federal question or diversity of citizenship. A federal question involves claims related to the Constitution, laws, or treaties of the United States. The passage also notes that for diversity jurisdiction, the matter must exceed \$75,000 and involve citizens of different states. The passage suggests that claims of embezzlement, theft, fraud, conspiracy, perjury, and forgery are typically state law claims unless they can be tied to a specific federal statute or constitutional provision.

[Green v. Davis, Civil Action 23-359-BAJ-EWD \(M.D. La. May 30, 2023\)](#)

U.S. District Court — Middle District of Louisiana

Extract

Unlike state district courts, which are courts of general jurisdiction that may hear all types of cases, federal courts may only entertain those cases over which there is federal subject matter jurisdiction. Federal subject matter jurisdiction may generally be established in two ways that are relevant to this case. First, this Court has subject matter jurisdiction over “civil actions arising under the Constitution, laws, or treatises of the United States.” [] This Court also has subject matter jurisdiction over civil actions where the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and the parties are completely diverse (i.e., all plaintiffs are citizens of a different state than all defendants). [] The burden of establishing federal subject matter jurisdiction is on the party asserting it (here, Plaintiff). [] A court may raise on its own at any time the issue of whether subject matter jurisdiction exists.

Summary

Federal courts have limited jurisdiction and can only hear cases that involve federal subject matter jurisdiction. This can be established if the case arises under federal law or if there is diversity jurisdiction with an amount in controversy exceeding \$75,000. The passage also notes that the burden of establishing this jurisdiction lies with the party asserting it. This is relevant

to the question as it provides insight into whether the actions described could be brought to federal court.

[Austin v. Ameritrust Mortg. Co., 510 F.Supp.2d 1218 \(N.D. Ga. 2007\)](#)

U.S. District Court — Northern District of Georgia

Extract

A plaintiff who has only pled state law causes of action may be subject to federal jurisdiction if (1) his/her state-law claims raise substantial federal questions; or (2) federal law completely preempts his/her state-law claims. *Franchise Tax Bd. v. Constr. Laborers Vacation Trust*, 463 U.S. 1, 13, 23, 103 S.Ct. 2841, 77 L.Ed.2d 420 (1983). A state law claim raises a substantial federal question when federal law forms an essential element of plaintiff's claim, and 'the federal right or immunity that forms the basis of the claim must be such that the claim will be supported if the federal law is given one construction or effect and defeated if it is given another.' *Mobil Oil Corp. v. Coastal Petroleum Co.*, 671 F.2d 419, 422 (11th Cir.1982) (internal citation omitted). The mere fact that a court must apply or interpret federal law to determine whether plaintiff is entitled to relief is not sufficient to confer federal question jurisdiction. Rather, the federal issue must be substantial.

Summary

The passage provides insight into when a state law claim can raise a substantial federal question, which is relevant to determining federal jurisdiction. It explains that for a federal question to be substantial, federal law must form an essential element of the claim, and the outcome must depend on the interpretation of federal law. This is pertinent to the question of whether the actions described could be brought in federal court.

[Taylor v. Rockyou, Inc., No. 4:18-cv-00849-HEA \(E.D. Mo. Aug 29, 2019\)](#)

U.S. District Court — Eastern District of Missouri

Extract

Federal question jurisdiction gives district courts 'original jurisdiction over civil actions arising under the Constitution, laws, or treaties of the United States.' *Griffioen v. Cedar Rapids & Iowa City Ry. Co.*, 785 F.3d 1182, 1188 (8th Cir. 2015). See also 28 U.S.C. § 1331. Whether a claim arises under federal law is determined by reference to the 'well-pleaded complaint.' *Great Lakes Gas Transmission Ltd. P'ship v. Essar Steel Minn. LLC*, 843 F.3d 325, 329 (8th Cir. 2016). The well-pleaded complaint rule provides that jurisdiction exists only when a federal question is presented on the face of a plaintiff's properly pleaded complaint. *Markham v. Wertin*, 861 F.3d 748, 754 (8th Cir. 2017).

Summary

The passage explains that federal question jurisdiction exists when a civil action arises under the Constitution, laws, or treaties of the United States. It emphasizes the "well-pleaded complaint" rule, which requires that a federal question be presented on the face of the complaint for jurisdiction to be established. This is relevant to determining whether the actions described in the question could be brought to federal court based on a federal question.

[In re Bridgestone/Firestone Tires Products Liab., 203 F.Supp.2d 1032 \(S.D. Ind. 2002\)](#)

U.S. District Court — Southern District of Indiana

Extract

The Eleventh Circuit found that the district court had federal question jurisdiction over the case because: the case involves both (1) the necessity for Plaintiffs to prove, as an essential element of their state law cause of action, the existence of federal mail and wire fraud crimes as predicate acts, which crimes would be enforceable in a federal civil RICO cause of action; and (2) the fact that proof of the alleged federal mail and wire fraud crimes involves a very substantial federal question [namely, whether the disclosure duty of the Safety Act was violated].

Summary

Federal question jurisdiction can be established if a state law cause of action requires proving federal crimes, such as mail and wire fraud, as essential elements. These crimes can be enforceable in a federal civil RICO action, which involves a substantial federal question. This suggests that if the actions in question involve federal mail and wire fraud as part of a scheme to submit false documents, it could potentially raise a federal question and be actionable in federal court under RICO.

[18 U.S.C. § 1343 18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television](#)

Extract

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

The passage from 18 U.S.C. § 1343 addresses schemes to defraud involving the transmission of false or fraudulent information via wire, radio, or television communication in interstate or foreign commerce. In the scenario described, if the false documents were transmitted across state lines (from Oklahoma to Texas) using such means, it could potentially raise a federal question under this statute. The statute provides for federal jurisdiction over such fraudulent schemes, which could allow for a lawsuit in federal court.

[18 U.S.C. § 1341 18 U.S.C. § 1341 Frauds and Swindles](#)

Extract

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier... shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

The passage from 18 U.S.C. § 1341 addresses schemes to defraud that involve the use of mail or interstate carriers. If the individuals involved in the scenario used mail or an interstate carrier to submit false documents to the Texas courts, this could potentially raise a federal question under the mail fraud statute. The statute provides for federal jurisdiction over such fraudulent schemes, which could allow for a lawsuit in federal court.

[18 U.S.C. § 3237 18 U.S.C. § 3237 Offenses Begun In One District and Completed In Another](#)

Extract

Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.

Summary

18 U.S.C. § 3237 provides for the prosecution of offenses that are begun in one district and completed in another, or committed in more than one district. This statute allows for such offenses to be prosecuted in any district where the offense was begun, continued, or completed. This is relevant to the question because the described actions involve activities across state lines (Oklahoma and Texas), which could potentially be considered an offense that began in one district and was completed in another.

[18 U.S.C. § 1345 18 U.S.C. § 1345 Injunctions Against Fraud](#)

Extract

If a person is-(A) violating or about to violate this chapter or section 287, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title; ... the Attorney General may commence a civil action in any Federal court to enjoin such violation.

Summary

If a person is violating or about to violate certain sections of the U.S. Code related to fraud, the Attorney General has the authority to commence a civil action in federal court to enjoin such violations. This suggests that if the fraudulent actions in question involve a conspiracy to defraud the United States or any agency thereof, it could potentially raise a federal question, allowing for federal court jurisdiction.

[18 U.S.C. § 1964 18 U.S.C. § 1964 Civil Remedies](#)

Extract

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

Summary

If a person is injured in their business or property due to a violation of section 1962, they may sue in a U.S. district court. Section 1962 deals with racketeering activities, which can include schemes involving fraud. If the actions described in the question involve a pattern of racketeering activity, such as submitting false documents to a court to deprive someone of their property, it could potentially be considered a violation of section 1962. Therefore, the injured party may have grounds to bring a lawsuit in federal court under 18 U.S.C. § 1964.

[18 U.S.C. § 1962 18 U.S.C. § 1962 Prohibited Activities](#)

Extract

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Summary

The actions described in the question could potentially fall under the category of racketeering activity if they involve a pattern of illegal conduct aimed at acquiring or maintaining an interest in property through fraudulent means. The passage specifically mentions that it is unlawful to engage in such activities if they affect interstate commerce, which is relevant here as the actions involve individuals from different states (Oklahoma and Texas). This could raise a federal question under the Racketeer Influenced and Corrupt Organizations (RICO) Act, allowing for a lawsuit in federal court.

[Overview of the federal court system](#)

Legal Secretary Federal Litigation - James Publishing - Pamela Everett Nollkamper - 2023-05-01

Extract

There are four types of jurisdictions of the U.S. District Court: 1. Federal question jurisdiction; 2. Diversity jurisdiction; 3. Exclusive jurisdiction; and 4. Pendent jurisdiction. Federal question jurisdiction involves disputes arising under the Constitution, laws and treaties of the United States. Exclusive federal jurisdiction means that only the federal court has the power to hear the case. If the case involves an issue under federal law, the district court must resolve the issue. State courts have exclusive jurisdiction over issues involving state law issues. When both state and federal courts have the power to hear a case, concurrent jurisdiction exists, then the Plaintiff may initiate the lawsuit in either federal or state court.

Summary

Federal question jurisdiction involves disputes arising under the Constitution, laws, and treaties of the United States. For a case to be heard in federal court under federal question jurisdiction, it must involve an issue under federal law. The passage also explains that state courts have exclusive jurisdiction over state law issues, and concurrent jurisdiction exists when both state and federal courts can hear a case. In the scenario described, the actions of submitting false documents to a state court to deprive someone of

their home would likely be considered a state law issue, such as fraud or forgery, unless there is a specific federal law that is implicated. Therefore, it may not automatically raise a federal question unless a federal law is involved.

[Civil Rico: A Tool of Advocacy](#)

The Brief - American Bar Association - 2024-01-01

Extract

Civil RICO can be utilized by institutions, corporations, banks, brokerage firms, and a bevy of other individuals and associations as plaintiffs and by defendants as counterclaims. The civil RICO cause of action is created by 18 U.S.C. § 1964(c), which provides: 'Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee' ... RICO's broad definition of racketeering activity and the act's reference to mail and wire fraud as predicate offenses begs the question: Why not RICO? That is, should the plaintiff consider adding a RICO count to an existing state cause of action? Moreover, since an action under RICO arises under federal law, a plaintiff can elect to have access to federal court.

Summary

Civil RICO claims can be brought in federal court if the plaintiff can demonstrate injury to business or property due to a violation of section 1962, which includes predicate offenses like mail and wire fraud. The passage suggests that if the actions in question involve such predicate offenses, a civil RICO claim could potentially be pursued in federal court.

[H. Rept. 115-17 - Innocent Party Protection Act, 2017-02-24](#)

Congressional Committee Reports

Extract

Congress has the authority to regulate the jurisdiction of the lower Federal courts. As an exercise of that authority, the Innocent Party Protection Act establishes a uniform standard for determining whether a defendant has been fraudulently joined to a lawsuit in order to defeat Federal diversity jurisdiction. It also makes clear that Federal courts may consider evidence outside the pleadings when deciding a motion to remand a case that has been removed to Federal court, as well as whether the plaintiff has shown a good faith intent to pursue a judgment against a non-diverse defendant.

Summary

Regulation of jurisdiction in federal courts, particularly in cases of fraudulent joinder to defeat federal diversity jurisdiction. It highlights that federal courts can consider evidence outside the pleadings to determine if a case should be remanded to state court. This is relevant to the question as it involves the submission of false documents, which could be considered fraudulent activity. The passage suggests that if the fraudulent activity affects the jurisdictional facts, it could potentially raise a federal question, especially if it involves diversity jurisdiction.

[Defending RICO Claims In The Business Context Part III](#)

Extract

In Part I of this series [Defending RICO Claims in the Business Context](#), we described why a plan to defend against potential claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961-68, should be in every business's toolkit. In Part II, we explained that one of the best tools businesses have in that toolkit is moving to dismiss a RICO claim early because the plaintiff failed to allege that his purported injuries are sufficient to convey what is known as "RICO standing." Both of these parts specifically addressed the federal RICO laws. However, because many states have their own versions of these laws, which are often called "Little RICO Acts," businesses should also be aware of the potential risks of liability under analogous RICO laws in the states where they operate. More than half of states have adopted their own RICO laws, often modeled after the federal RICO counterpart. Although these states' laws are sometimes found in criminal codes, many states also allow civil RICO claims. In these states, plaintiffs may be permitted to plead state civil RICO violations in addition to federal RICO violations, even in federal court. While federal case law under RICO is usually instructive in how to interpret these parallel state provisions, businesses should be aware that each state may have nuances that differ from federal RICO laws.

Summary

Federal RICO laws can be applied in federal court, and state RICO laws can sometimes be pleaded in federal court as well. This suggests that if the actions in question fall under RICO violations, they could potentially raise a federal question and be addressed in federal court. The passage also highlights that many states have their own RICO laws, which can be analogous to federal RICO laws, and these can sometimes be pleaded in federal court.

This memo was compiled by Vincent AI based on vLex materials available as of June 06, 2025. [View full answer on vLex](#)