

A bicyclist who was a citizen of a foreign country and a permanent resident of State A was riding on a road in State B when she was hit by a car driven by a man domiciled in State A. The bicyclist sued the man for negligence in a federal court in State B to recover \$80,000 in damages. The man moved to dismiss the bicyclist's complaint for lack of subject-matter jurisdiction.

How will the federal court likely rule on the man's motion?

- A. Deny the motion, because the bicyclist and the man are citizens of different countries and the amount in controversy is \$80,000.
- B. Deny the motion, because the collision occurred in State B.
- C. Grant the motion, because a foreign citizen cannot sue a U.S. citizen in federal court.
- D. Grant the motion, because the parties are domiciled in the same state.

Explanation:

Subject-matter jurisdiction can be based on federal-question jurisdiction (not seen here) or diversity jurisdiction. **Diversity jurisdiction** is established when the amount in controversy exceeds \$75,000 and there is diverse **citizenship** between the opposing parties. **Diverse citizenship** exists in a suit between U.S. citizens domiciled in different states. It also exists when the **suit is between**:

- U.S. citizens domiciled in the U.S. and foreign citizens
- U.S. citizens domiciled in different states, in which foreign citizens are additional parties *or*
- **U.S. citizens and permanent residents domiciled in *different* states.***

Here, the bicyclist (permanent resident domiciled in State A) sued the man (U.S. citizen domiciled in State A) in federal court for \$80,000. Since the bicyclist and the man are domiciled in the *same* state, there is no diversity of citizenship. As a result, the court lacks diversity (and subject-matter) jurisdiction and will likely grant the man's motion to dismiss **(Choice A)**.

*Diverse citizenship also exists in the rare instance when a foreign government sues a U.S. citizen.

(Choice B) The location of the collision is irrelevant in analyzing subject-matter jurisdiction. Instead, this fact is relevant in determining whether other **federal court requirements**—ie, personal jurisdiction and venue—are satisfied.

(Choice C) A foreign citizen *can* sue a U.S. citizen in federal court if subject-matter jurisdiction is established through diversity or federal-question jurisdiction (not seen here).

Educational objective:

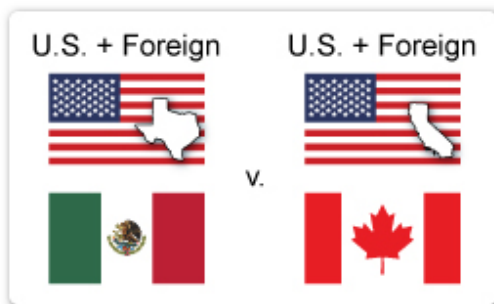
Diverse citizenship exists when a suit is between (1) U.S. citizens domiciled in the U.S. and foreign citizens, (2) U.S. citizens domiciled in different states, in which foreign citizens are additional parties, or (3) U.S. citizens and permanent residents domiciled in different states.

References

- 28 U.S.C. § 1332 (diversity jurisdiction).
- 32A Am. Jur. 2d Federal Courts § 616 (2020) (explaining when diverse citizenship exists between U.S. citizens and foreign citizens).

Diversity of citizenship examples (28 U.S.C. § 1332)

Diversity



No diversity

