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U.S. Supreme Court Adds Only One Case To Docket

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When the Supreme Court of the United States opened its new Term last week, the Court heard oral argument in 9 previously scheduled cases but did not grant review in any new cases. This week, the Court will hear oral argument in 5 previously scheduled cases and it issued its first opinion of the Term, which was a *per curiam* ruling that sent a criminal case back to the lower courts for the second time for resentencing. But the Court granted review today in only one new case. Today's grant increases to 54 the total number of cases on the Court's docket for oral argument and decision this Term. The question that the Court has been asked to decide in that case is as follows:

Appellate Jurisdiction

Carlsbad Technology, Inc. v. HIF Bio, Inc., No. 07-1437

The question presented is:

"Whether a district court's order remanding a case to state court following its discretionary decision to decline to exercise the supplemental jurisdiction accorded to the federal courts under 28 U.S.C. § 1367(c) is properly held to be a remand for a 'lack of subject matter jurisdiction' under 28 U.S.C. § 1447(c) so that such remand order is barred from any appellate review by 28 U.S.C. § 1447(d)."

The schedule for filing briefs with the Court on this issue starts immediately with due dates set for later this Fall.

Please feel free to contact Morrison & Foerster's [Appellate and Supreme Court practice group](#) about the business case listed above or about any of the other cases now pending before the Supreme Court or in lower appellate courts. Email contact: [Beth Brinkmann](#) or [Brian Matsui](#).