

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DANTE DESIDERIO,  
Plaintiff,

v.

NATIONAL CONGRESS OF AMERICAN  
INDIANS, *et al.*,  
Defendants.

Civil Action No. 22-2664 (CKK)

**ORDER**  
(September 6, 2022)

This matter comes before the Court upon its initial review of Defendant National Congress of American Indians' ("National Congress") [1] Notice of Removal. Because it appears that National Congress is a citizen of the District of Columbia, the Court shall order Defendant to **SHOW CAUSE** why this matter should not be remanded back to the Superior Court of the District of Columbia.

A defendant may remove a case to federal court if the federal court has jurisdiction over the matter. 28 U.S.C. § 1441(a). Removal is effective when the defendant files a notice of removal in federal court with "a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders" from state court. 28 U.S.C. § 1446(a). "If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded." *Id.* § 1447(c). In summary terms, the removal statute provides for two types of subject matter jurisdiction: federal question jurisdiction for matters arising under federal law, *see* 28 U.S.C. § 1331, and diversity jurisdiction for matters arising under state law where the amount in controversy is greater than \$75,000 and the parties are citizens of different states, *see* 28 U.S.C. § 1332. For removal on diversity jurisdiction, the defendant cannot be a citizen of the forum state. *Id.* § 1441(b)(2).

Here, the operative complaint alleges that National Congress is a citizen of the District of Columbia. ECF No. 1-1 at 30. National Congress does not appear to contest that allegation in its pending Opposed Motion to Dismiss or, Alternatively, to Compel Arbitration, filed before removal. *See* ECF No. 1-1 at 93.

As such, it appears that the Court lacks removal jurisdiction over this matter. Rather than remanding the case *sua sponte*, however, the Court shall afford National Congress an opportunity to demonstrate jurisdiction.

