Atlantic Commonwealth
Court of Chancery

JACOBINAUSTIN, *Plaintiff,*		
v.		Case No. 21-03
		Doc. No. 21-03-A
MYHOUSEISONFIRE, GOVERNOR, *Defendant,*		
IN RE: ATLANTIC BORDERS ACT		

Before: HurricaneofLies, C.; Mika3740, V.C.; Cold_Brew_Coffee, V.C.

ORDER DENYING MOTION TO DISMISS

This motion arises out of Plaintiff JacobinAustin's constitutional challenge to the Atlantic Borders Act (A.B. 4), wherein the Legislature codified the Commonwealth's boundaries in a way that Plaintiff alleges violates the Admissions Clause of the United States Constitution (U.S. Const., art. IV, cl. 1).

This order arises out of the Commonwealth's motion to dismiss for want of subject-matter jurisdiction. The Commonwealth argues *inter alia* that the nature of a boundary dispute as a dispute between states grants the Supreme Court of the United States original and exclusive jurisdiction over this case.

This Court has jurisdiction and we deny the motion to dismiss. Reasons follow.

Analysis

28 U.S. Code § 1251 provides that the U.S. Supreme Court "shall have original and exclusive jurisdiction of all controversies between two or more States."

This is the only subject where Congress has vested the federal high court with exclusive jurisdiction over a matter within its original jurisdiction.

In the instant case, the dispute exists between a private citizen, JacobinAustin, and the Atlantic Commonwealth. In other words, it is a case between a private citizen and their State, in a court of that State, reviewing the validity of a State law. This does not fall under 28 U.S.C. 1251 by its plain meaning. That Greater Appalachia *could* sue the Commonwealth on the same grounds does not matter; it has not, so this is not a controversy "between" states. As Greater Appalachia is not before this Court as a party, this limitation to our subject-matter jurisdiction does not apply.[1]

Of course, the Commonwealth is correct that "[n]o state court has ever ruled on the matter of conflicts between states themselves," but this is because individual citizens in the past had no standing to challenge state laws that only injured other states. We dispense with such considerations because one does not need an injury-in-fact, or indeed, any standing at all, to challenge a legislative enactment in this Court. *See*, *UnorthodoxAmbassador v. _MyHouseIsOnFire_*, (2020) Atl. 11, 15 (observing that the Commonwealth Constitution imposes no standing requirement); *see generally*, *Model Opinion Service v. HurricaneofLies*, 20-20 M.S.Ct. 1, 4 (2020) ("As an initial matter, we dispense with the issues of ripeness and standing.").

Conclusion

For the aforementioned reasons, the Court **DENIES** the Commonwealth's motion to dismiss. The Commonwealth will submit its answering brief by July 6, 2021, subject to reasonable extensions at the discretion of the Court.

It is so ordered.

[1] The fact that the Commonwealth of Greater Appalachia has filed an *amicus curiae* brief in the instant case does not change the arithmetic. Appalachia has done so in the same capacity and exercising the same right as any other uninvolved third party—i.e., not as an interested party but as a friend and officer of the court. It is not party to this controversy. *See generally*, *Wilder v. Bernstein*, 965 F.2d 1196, 1203 (2d Cir. 1992) (*amici* are not parties to litigation).

Dated: July 1, 2021	/s/ Hurricane
	Hon. HurricaneofLies
	Chancellor

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