

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

American Conservative Union, et al. v. Institute for Legislative
Analysis, et al.

American Conservative Union · No. 1:24-cv-500 (RDA/LRV) · Decided February 2, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed the action without prejudice for lack of subject matter jurisdiction. The court held that the parties were not completely diverse when the original complaint was filed and that the plaintiffs’ subsequent change of citizenship could not cure the jurisdictional defect. The court also denied the plaintiffs’ motion for leave to file a third amended complaint as futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Rossie D. Alston, Jr.
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	February 2, 2026
DOCKET	1:24-cv-500 (RDA/LRV)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss the Second Amended Complaint for lack of subject matter jurisdiction, and Plaintiffs moved for leave to file a Third Amended Complaint. The court granted the motion to dismiss, denied leave to amend as futile, and dismissed the action without prejudice.
STANDARD OF REVIEW	A motion challenging subject matter jurisdiction is evaluated under the principle that federal courts possess only jurisdiction authorized by the Constitution or statute, with the burden on the party asserting jurisdiction. Leave to amend under Federal Rule of Civil Procedure 15(a)(2) may be denied when amendment would be prejudicial, undertaken in bad faith, or futile; an amendment is futile if the claim would not survive a motion to dismiss.

PRECEDENTIAL VALUE	Unknown; memorandum opinion and order from a federal district court.
PARTIES	American Conservative Union, American Conservative Union Foundation v. Institute for Legislative Analysis, Ryan McGowan, Zoe Reese

TOPICS

subject matter jurisdiction motion to amend motions to dismiss pleadings civil procedure

PRACTICE AREAS

civil procedure federal jurisdiction pleadings

QUESTIONS PRESENTED

1. Whether the court had diversity subject matter jurisdiction when the action was filed.
2. Whether Plaintiffs' post-filing change in citizenship could cure the lack of complete diversity.
3. Whether leave to file the proposed Third Amended Complaint should be granted when the amendment could not cure the jurisdictional defect.

HOLDINGS

1. The court lacked subject matter jurisdiction because complete diversity did not exist among the parties when the original Complaint was filed.
2. Plaintiffs' subsequent change of citizenship from the District of Columbia to Wyoming could not cure the lack of complete diversity existing when the original Complaint was filed.
3. Leave to file the proposed Third Amended Complaint was denied because the amendment would be futile.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction. They possess only that power authorized by [the United States] Constitution or a statute, which is not to be expanded by judicial decree.” (Analysis)

“Plaintiffs’ subsequent change of citizenship from the District of Columbia to Wyoming cannot cure this jurisdictional defect” (Conclusion)

FACTUAL BACKGROUND

The American Conservative Union and the American Conservative Union Foundation brought four state-law claims against the Institute for Legislative Analysis, Ryan McGowan, and Zoe Reese. At the time the original Complaint was filed, the two organizational Plaintiffs were organized under the District of Columbia Non-Profit Corporation Act, and ILA had its principal place of business in the District of Columbia. Plaintiffs later alleged

that they had been redomesticated in Wyoming in September 2024, after the action began, and argued that a Third Amended Complaint could establish complete diversity.

PROCEDURAL HISTORY

Plaintiffs filed the original Complaint on March 28, 2024, followed by an Amended Complaint after an initial motion to dismiss. After a second motion to dismiss was partially granted, Plaintiffs filed a Second Amended Complaint asserting four state-law claims. Defendants filed a third motion to dismiss, and Plaintiffs sought leave to file a Third Amended Complaint alleging that they had redomesticated from the District of Columbia to Wyoming after the original filing. The court held that the later change in citizenship could not cure the lack of complete diversity existing when the action was commenced.

DISPOSITION

dismissed

CASES CITED

- Fed. R. Civ. P. 78(b); Local Civil Rule 7(J)
- Johnson v. Oroweat Food Co., 785 F.2d 503, 509 (4th Cir. 1986)
- Save Our Sound OBX, Inc. v. N. Carolina Dep't of Transportation, 914 F.3d 213, 228 (4th Cir. 2019)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Cent. W.Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011)
- Caterpillar, Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Athena Auto., Inc. v. DiGregorio, 166 F.3d 288, 290 (4th Cir. 1999)
- Freeport-McMoRan, Inc. v. K N Energy, Inc., 498 U.S. 426, 428 (1991)
- Grupo Dataflux v. Atlas Global Grp., L.P., 541 U.S. 567, 570-71 (2004)
- Turner v. Digital Broadcast Corp., 894 F. Supp. 2d 748, 750 n.1 (W.D. Va. 2012)
- Chevaldina v. Katz, 787 F. App'x 651, 653 (11th Cir. 2019)
- Royal Canin U.S.A., Inc. v. Wullschleger, 604 U.S. 22 (2025)
- Echo DCL, LLC v. Insight Invs., LLC, 2025 WL 2753733, at *3 (E.D. Tex. Sept. 29, 2025)