

Aleksander KANTOR, Plaintiff-Appellant,
v.
WELLESLEY GALLERIES, LTD., a foreign corporation; Ford
Motor Company, a Delaware corporation; BKM Corporation, a
California corporation, dba Budget Rent-A-Truck of Southern
California, Defendants-Appellees.

Facts

- a. United States Court of Appeals, Ninth Circuit. Judgment April 26, 1983
- b. “The Plaintiff-Appellant was involved in a car accident in San Jose, California.” He filed a suit against Rent-a-Truck for an alleged defect in the vehicle he was driving that caused the accident. The suit was filed for the Central district of California when the issue of jurisdiction came about. The appeal is based on whether the court has jurisdiction to hear this case mainly on the appellant’s citizenship. The appellant is claiming citizenship in the State of New York and the court can try the case based on diversity jurisdiction.
- c. Aleksander Kantor claims he is a New York State citizen and has the ability to sue the truck company for their defective automobile in the state of California.
- d. WELLESLEY GALLERIES, LTD is claiming that Kantor is stateless and the court has no jurisdiction and appellant has no rights to sue or be sued under diversity jurisdiction of the federal courts.

Question

- a. Is Aleksander Kantor a citizen of the State of New York?
- b. Can the federal courts try a lawsuit of a stateless person?
- c. Does the court have jurisdiction?

Decision

- a. Kantor has only claimed to be a citizen of New York because he has set up his permanent residence there however he is not a United States citizen. In order to become a citizen of a state within the United States you must be a US citizen first which is under US federal law. He fails the two-part test for state citizenship where he must be a citizen of the United States, and be domiciled in the state
- b. Federal courts do not have jurisdiction over a stateless person and therefore cannot try a case involving a stateless person as seen in Thomas B. SHOEMAKER, Plaintiff-Appellant, v. Nicolai MALAXA, Defendant-Appellee.
- c. “Diversity jurisdiction is a form of subject-matter jurisdiction in civil procedure in which a United States district court a civil case because the persons that are parties are "diverse" in citizenship, which generally indicates that they are citizens of different states or non-U.S. citizens. (Corporations, as legal persons, may also be included)”. Kantor has no citizenship at all therefore the courts have no jurisdiction case is dismissed.

Principles

- a. The main international principle in this case is citizenship and citizenship rights.

- b. The rules of law upheld are the diversity of citizenship jurisdiction as enacted in **28 U.S.C. Sec. 1332(a)(1)** and state citizenship according to **Article 4 of the United States Constitution**.
- c. This case demonstrates the rights that citizenship grants you and the fall backs on being stateless. Citizenship of any state grants you the protections with that state without it you are not granted those rights as seen in the dismissal of this case.

Conclusion

The court ruled against the appellant because of lack of citizenship anywhere. The court's decision to dismiss the case reaffirmed the process of becoming a state and US citizen. The case would have caused serious question if it had ruled only residency was required in order to become a state citizen. The dismissal of the case enforces the privileges that follow with being a citizen of a state. The drawbacks of being stateless strengthen the need to seek citizenship legally and immediately.

Bibliography

Aleksander KANTOR, Plaintiff-Appellant, v. WELLESLEY GALLERIES, LTD, United States Court of Appeals, Ninth Circuit (1983)

28 U.S.C § 1332. Diversity of Citizenship,
<http://www.law.cornell.edu/uscode/28/1332.html>

Submitted By

Nacasi Green, October 27, 2009