A litigant or the court can raise a defect in jurisdiction at any time, even after a court has entered judgment.

Federal Rule 12(h)(3) states that, "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3).

"The objection that a federal court lacks subject-matter jurisdiction may be raised by a party, or by a court on its own initiative, at any stage in the litigation, even after trial and the
entry of judgment." Arbaugh v. Y & H Corp., 546 U.S. 500, 506 (2006) (citations omitted)
(jurisdiction upheld); see also Kontrick v. Ryan, 540 U.S. 443, 455 (2004)
("Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.") (jurisdiction upheld).

On appeal—even for the first time at the Supreme Court—a party may attack jurisdiction after the entry of judgment in the district court. See Arbaugh v. Y & H Corp., 546 U.S. 500, 514
(2006).

Even the party that had invoked the district court's jurisdiction can argue on appeal, to avoid an adverse judgment, that the district court lacked jurisdiction. 13 Wright & Miller §
3522, pp. 122–23 ("Indeed, the independent establishment of subject matter jurisdiction is so important that a party ostensibly invoking federal jurisdiction may later challenge it as a means of avoiding an adverse result on the merits.").

• Jurisdiction Lacking

City of Rome, NY v. Verizon Commc'ns Inc., 362 F.3d 168, 174 (2d Cir. 2004) (quoting United
States v. Leon, 203 F.3d 162, 164 n.2 (2d Cir. 2000)) ("As we have often observed, 'it is well settled that lack of federal jurisdiction may be raised for the first time on appeal, even by a party who originally asserted that jurisdiction existed, or by the Court sua sponte.'").

Levin v. ARDC, 74 F.3d 763, 766 (7th Cir. 1996) ("Subject-matter jurisdiction cannot be waived
and may be contested by a party or raised sua sponte at any point in the proceedings.")."