

EXHIBIT A

CLD-238

July 18, 2019

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **19-1829**

NINA SHAHIN, Appellant

VS.

DALE BONEY, Dover Police Officer, Badge #10216; ET AL.

(D. Del. Civ. No. 1-17-cv-00413)

Present: CHAGARES, RESTREPO and SCIRICA, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) By the Clerk for possible summary action under 3rd Cir. LAR 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures; and
- (3) Appellant's response

in the above-captioned case.

Respectfully,

Clerk

ORDER

This appeal is dismissed for lack of appellate jurisdiction in part and summarily affirmed in part. To the extent that Shahin removed her action pursuant to 28 U.S.C. § 1441, we lack jurisdiction to review the District Court's order remanding the matter to state court or denying reconsideration because the District Court remanded for lack of subject-matter jurisdiction. See 28 U.S.C. § 1447(c), (d); Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224, 229 (2007); see also Agostini v. Piper Aircraft Corp., 729 F.3d 350, 353 (3d Cir. 2013) ("[I]f we do not have jurisdiction to review a remand order itself, we cannot have jurisdiction to review a motion to reconsider a remand

order.”). To the extent that Shahin maintains that removal was proper under 28 U.S.C. § 1443, we summarily affirm the District Court’s remand order and denial of reconsideration because § 1443 authorizes removal only by defendants, not plaintiffs like Shahin, see Balazik v. Cty. of Dauphin, 44 F.3d 209, 214 n.7 (3d Cir. 1995), and because Shahin has not shown that she has been “denied or cannot enforce [her] specified federal rights in the state courts,” Davis v. Glanton, 107 F.3d 1044, 1050 (3d Cir. 1997) (quotation marks omitted), as is necessary to remove under § 1443.

By the Court,

s/Anthony J. Scirica
Circuit Judge

Dated: September 10, 2019

Tmm/cc: Nina Shahin

Daniel A. Griffith, Esq.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-1829

NINA SHAHIN,
Appellant

v.

DALE BONEY, Dover Police Officer, Badge #10216;
STATE FARM AUTOMOBILE INSURANCE COMPANY

(D.C. Civ. No. 1-17-cv-00413)

SUR PETITION FOR PANEL REHEARING

Present: CHAGARES, RESTREPO, and SCIRICA, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court, it is hereby
O R D E R E D that the petition for rehearing by the panel is denied.

BY THE COURT,

s/Anthony J. Scirica
Circuit Judge

Dated: October 16, 2019

PDB/TMM/cc: Nina Shahin

Daniel A. Griffith, Esq.