

IN THE SUPREME COURT OF THE UNITED STATES

No. 19-1189

BP P.L.C., ET AL., PETITIONERS

v.

MAYOR AND CITY COUNCIL OF BALTIMORE

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves for leave to participate in oral argument in this case as amicus curiae supporting petitioners and requests that the United States be allowed ten minutes of argument time. Petitioners have agreed to cede ten minutes of their argument time to the United States and therefore consent to this motion.

This case concerns 28 U.S.C. 1447(d), which provides that "an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise." The question presented is whether Section 1447(d) permits a court of appeals to review any issue encompassed

in a remand order when the removing defendant premised removal in part on the federal-officer removal statute, 28 U.S.C. 1442, or the civil-rights removal statute, 28 U.S.C. 1443. The court of appeals held that it could review only the district court's conclusion that removal was improper under the federal-officer removal statute. The United States has filed a brief as amicus curiae in support of petitioners, contending that when a remand order is reviewable under Section 1447(d), the court of appeals may address any of the grounds of removal rejected in the course of issuing the remand order.

The United States has a substantial interest in the resolution of the question presented. The United States and its officers are frequent litigants, and it therefore has a significant interest in the proper application of statutory provisions governing federal appellate jurisdiction, including Section 1447(d)'s exception for orders remanding cases removed pursuant to the federal-officer or civil-rights removal statutes. This Office has previously presented oral argument on behalf of federal parties or on behalf of the United States as amicus curiae in other cases involving Section 1447(d) or other statutory provisions governing the scope of appellate review of particular categories of district court orders. See, e.g., Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224 (2007); Osborn v. Haley, 549 U.S. 225 (2007); Yamaha Motor Corp., U.S.A. v. Calhoun, 516 U.S. 199 (1996). The United

States' participation in oral argument in this case is therefore likely to be of material assistance to the Court.

Respectfully submitted.

JEFFREY B. WALL
Acting Solicitor General
Counsel of Record

DECEMBER 2020