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SUPREME COURT, U.S.

In the
Supreme Court of the United States

GREGG P. HEALEY, BRIDGETTE G. HEALEY,
AND CONNOR J. HEALEY,
Petitioners,

v.

U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF9 MASTER PARTICIPATION TRUST,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Second Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether a case is “removed pursuant to” 28 U.S.C. § 1443, within the meaning of 28 U.S.C. § 1447(d), when the notice of removal alleges constitutional civil-rights violations but does not cite § 1443 until a timely motion for reconsideration.

The issue was left open by *BP P.L.C. v. Mayor & City Council of Baltimore*, 593 U.S. 230 (2021).

PARTIES TO THE PROCEEDING

Petitioners Gregg P. Healey, Bridgette G. Healey, and Connor J. Healey are natural persons and citizens of the State of Connecticut. They were the defendants-appellants in the proceedings below — the United States District Court for the District of Connecticut and the United States Court of Appeals for the Second Circuit — from which this petition arises.

Respondent U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, is a national banking association and a citizen of the State of Delaware. It was the plaintiff-appellee below.

No other parties appeared in those proceedings.

RELATED PROCEEDINGS

The following proceedings are directly related to this petition within the meaning of this Court's Rule 14.1(b)(iii):

United States District Court for the District of Connecticut: *U.S. Bank Trust, N.A. v. Healey*, No. 3:25-cv-01578 (AWT) (remand order entered Dec. 18, 2025; reconsideration denied Jan. 8, 2026).

United States Court of Appeals for the Second Circuit: *U.S. Bank Trust, N.A. v. Healey*, No. 26-54 (appeal dismissed Apr. 29, 2026; rehearing and rehearing en banc denied June 15, 2026; mandate issued July 14, 2026).

Connecticut Superior Court, Housing Session at Stamford: *U.S. Bank Trust, N.A. v. Healey*, No. NWH-CV25-6012697-S (summary process action; currently pending; Plaintiff's request for leave to amend the complaint, filed Aug. 28, 2026, remains pending).

TABLE OF CONTENTS

	Page
Question Presented	i
Parties to the Proceeding	ii
Related Proceedings	iii
Table of Authorities	vi
Opinions Below	1
Jurisdiction	1
Constitutional and Statutory Provisions Involved .	2
Introduction	4
Statement of the Case	5
A. Underlying State-Court Proceedings	5
B. Removal	5
C. Reconsideration	6
D. Appeal	7
E. Rehearing and This Petition	7
Reasons for Granting the Petition	8
A. BP P.L.C. Did Not Decide the Question Presented	8

B. This Case Presents the Question Directly	8
C. The Question Is Distinct From the Merits of Petitioners' § 1443 Claim	10
D. The Question Is Important, Recurring, and Warrants Review	12
Conclusion	13
Appendix.....	1a

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>BP P.L.C. v. Mayor & City Council of Baltimore</i> , 593 U.S. 230 (2021).....	i, 4, 9-14
<i>Brentwood Academy v. Tennessee Secondary School Athletic Ass'n</i> , 531 U.S. 288 (2001).....	5
<i>Georgia v. Rachel</i> , 384 U.S. 780 (1966)	11
<i>Lugar v. Edmondson Oil Co.</i> , 457 U.S. 922 (1982).....	5
<i>Shapiro v. Logistec USA, Inc.</i> , 412 F.3d 307 (2d Cir. 2005)	7, 10, 2a
Constitutional and Statutory Provisions	
U.S. Const. amend. XIV, § 1	2, 5, 8
28 U.S.C. § 1254(1).....	1
28 U.S.C. § 1441(b)(2)	2, 5
28 U.S.C. § 1443	i, 2, 5, 7-16, 4a-5a
28 U.S.C. § 1447(c)	3, 10
28 U.S.C. § 1447(d).....	i, 3, 5, 9-16, 2a

PETITION FOR A WRIT OF CERTIORARI**OPINIONS BELOW**

The order of the United States Court of Appeals for the Second Circuit dismissing the appeal sua sponte (Apr. 29, 2026) is unreported and reproduced at App. 1a. The order of the United States District Court for the District of Connecticut denying Petitioners' motion for reconsideration (Jan. 8, 2026) is unreported and reproduced at App. 3a. The order of the United States District Court for the District of Connecticut granting Respondent's motion to remand (Dec. 18, 2025) is unreported and reproduced at App. 7a. The order of the United States Court of Appeals for the Second Circuit denying panel rehearing and rehearing en banc (June 15, 2026) is unreported and reproduced at App. 9a.

JURISDICTION

The United States Court of Appeals for the Second Circuit entered its order dismissing Petitioners' appeal on April 29, 2026. Petitioners timely sought panel rehearing and rehearing en banc, which the Court of Appeals denied on June 15, 2026. This petition is filed within ninety days of that denial. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1 provides, in relevant part:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 1441(b)(2) provides: "A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought."

28 U.S.C. § 1443 provides:

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all

persons within the jurisdiction thereof;
(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

28 U.S.C. § 1447(c) provides, in relevant part:

A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a). If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.

28 U.S.C. § 1447(d) provides:

An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except 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.

INTRODUCTION

This case asks whether § 1447(d)'s exception for civil-rights removals applies when a removing party alleges constitutional civil-rights violations in its notice of removal but identifies § 1443 as the statutory basis for those allegations only in a timely motion for reconsideration.

In *BP P.L.C. v. Mayor & City Council of Baltimore*, 593 U.S. 230 (2021), this Court held that reliance on § 1443 as a ground for removal opens the entire remand order to appellate review, regardless of whether the § 1443 ground ultimately succeeds. The Court did not decide whether a case is “removed pursuant to” § 1443 when the statute is first identified after removal but before the district court has finally disposed of the issue.

The District Court rejected Petitioners' § 1443 theory because the Notice of Removal did not cite § 1443, and separately stated that the record did not establish a basis for relief under that statute. The Second Circuit dismissed the appeal under § 1447(d) without addressing whether § 1443 applied. This petition asks a narrow statutory question concerning appellate jurisdiction — not whether Petitioners' § 1443 theory would ultimately succeed.

STATEMENT OF THE CASE

A. Underlying State-Court Proceedings

Petitioners were defendants in a Connecticut state-court foreclosure proceeding that culminated in a judgment of strict foreclosure entering November 2017 — the day after Petitioners' attorney, Jack Errol Robinson III, died. Respondent's subsequent state-court summary process action to enforce that judgment gave rise to the removal at issue here.

B. Removal

Petitioners' Notice of Removal asserted federal-question and diversity jurisdiction. Petitioners are citizens of Connecticut; Respondent, a national banking association, is a citizen of Delaware. Within its federal-question theory, the Notice alleged that "plaintiff together with the state of Connecticut violated defendants' 14th Amendment's due process rights," Notice of Removal ¶ 2 (D. Conn. Sept. 22, 2025); App.' 11a, describing how Connecticut state actors, jointly with Respondent, entered judgment of strict foreclosure the day after Petitioners' sole counsel died, while Petitioners were unrepresented and without their case files. See *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982); *Brentwood Academy v. Tennessee Secondary School Athletic Ass'n*, 531 U.S. 288 (2001).

Respondent's motion to remand, filed October 22, 2025, proceeded under the heading "The District Court Lacks Subject Matter Jurisdiction," Mem. Supp. Mot. to Remand at 3 (D. Conn. Oct. 22, 2025),

and challenged federal-question and diversity jurisdiction, invoked the forum-defendant rule (28 U.S.C. § 1441(b)(2)) and the amount-in-controversy requirement, and urged abstention.

Petitioners' Opposition to the Motion to Remand, filed November 13, 2025, reinforced their civil-rights theory, expressly invoking Petitioners' "14th Amendment civil rights of property, equal protection . . . and due process." Opp'n to Mot. to Remand at 5 (D. Conn. Nov. 13, 2025). Although the Opposition did not cite § 1443, it continued to assert the same civil-rights theory.

On December 18, 2025, the District Court (Thompson, J.) granted remand solely on the forum-defendant rule, without reaching Respondent's other grounds. Order re Motion to Remand at 1 (D. Conn. Dec. 18, 2025); App. 7a.

C. Reconsideration

On December 18, 2025 — the same day it granted remand — the District Court extended Petitioners' deadline to oppose the motion to remand by three weeks. After the District Court vacated that extension on December 22, 2025, leaving Petitioners two business days to prepare a motion for reconsideration, Petitioners timely moved for reconsideration on December 29, 2025, expressly invoking 28 U.S.C. § 1443(1) — the civil-rights removal statute — by name for the first time, labeling the civil-rights theory already in the Notice of Removal.

On January 8, 2026, the District Court denied reconsideration, holding first that § 1443 could not be raised for the first time on reconsideration because it did not appear in the Notice of Removal, and separately stating that, even if Petitioners had removed pursuant to § 1443, “nothing in the record suggests” that they could satisfy its requirements. Order Denying Motion for Reconsideration at 1, 3 (D. Conn. Jan. 8, 2026); App. 3a, 4a.

D. Appeal

Petitioners appealed to the United States Court of Appeals for the Second Circuit. On April 29, 2026, the Court of Appeals dismissed the appeal sua sponte for lack of appellate jurisdiction under 28 U.S.C. § 1447(d), citing *Shapiro v. Logistec USA, Inc.*, 412 F.3d 307 (2d Cir. 2005). App. 1a. The panel’s order did not address § 1443 or *BP P.L.C.* The Second Circuit characterized the remand as one “for lack of federal subject matter jurisdiction,” App. 1a.

E. Rehearing and This Petition

Petitioners timely sought panel rehearing and rehearing en banc, which were denied on June 15, 2026. App. 9a. This petition follows, within ninety days of that denial.

REASONS FOR GRANTING THE PETITION

A. BP P.L.C. Did Not Decide the Question Presented

In *BP P.L.C. v. Mayor & City Council of Baltimore*, 593 U.S. 230 (2021), this Court held that § 1447(d)'s exception for civil-rights removals opens "the whole of a district court's 'order,' not just some of its parts or pieces," 593 U.S. at 237, whenever a defendant relies on § 1442 or § 1443 "as a ground for removal" — without regard to whether that ground ultimately succeeds. The Court reached that holding on a notice of removal that cited § 1442 from the outset. It had no occasion to decide, and did not decide, what it means for a case to be "removed pursuant to" § 1443 when the underlying civil-rights theory appears in the notice of removal but the statute itself is not cited until a timely motion for reconsideration.

That is this case. Petitioners are aware of no decision addressing this circumstance.

B. This Case Presents the Question Directly

The sequence is straightforward. Petitioners removed this action on September 22, 2025, citing 28 U.S.C. §§ 1331, 1332, 1441, and 1446 — not § 1443 — and alleging Fourteenth Amendment due-process and equal-protection violations. See *supra* Statement of the Case. Respondent moved to remand on October 22, 2025, arguing lack of subject-matter jurisdiction on multiple grounds, including the forum-defendant rule and an insufficient amount in controversy.

Petitioners opposed remand, reinforcing the same civil-rights theory and expressly invoking their “14th Amendment civil rights of property, equal protection . . . and due process.” Opp’n to Mot. to Remand at 5 (D. Conn. Nov. 13, 2025); see *supra* Statement of the Case. The District Court granted remand on the forum-defendant rule alone on December 18, 2025. Petitioners moved for reconsideration on December 29, 2025, invoking § 1443(1) by name for the first time. The District Court denied reconsideration on January 8, 2026, holding first that § 1443 could not be raised for the first time on reconsideration because it did not appear in the Notice of Removal, and separately stating that the record did not establish a basis for relief under the statute. Order Denying Motion for Reconsideration at 1–3 (D. Conn. Jan. 8, 2026); App. 3a, 4a. Petitioners appealed, and the Second Circuit dismissed *sua sponte* for lack of appellate jurisdiction under § 1447(d) — without ever addressing § 1443, *BP P.L.C.*, or whether the reconsideration-stage labeling of the underlying theory as § 1443 brought the case within § 1447(d)’s exception. App. 1a.

Neither court below has decided whether Petitioners’ labeling of their theory as § 1443 on reconsideration triggered § 1447(d)’s exception. The Second Circuit dismissed for want of appellate jurisdiction without first resolving the jurisdictional question *BP P.L.C.* leaves open.

C. The Question Is Distinct From the Merits of Petitioners' § 1443 Claim

Respondent will likely argue that *BP P.L.C.*'s "removed pursuant to" language requires a § 1442 or § 1443 ground to appear in the notice of removal itself, since that is what *BP P.L.C.*'s own facts involved, and that a citation supplied only on reconsideration comes too late. That argument has real force, and if it is correct, review is barred here just as it would be in any ordinary case. But *BP P.L.C.* did not decide that question, because it did not need to: the notice of removal there cited § 1442 from the outset. Nothing in the Court's opinion addresses whether a timely motion for reconsideration can supply the § 1443 label that opens § 1447(d)'s exception.

BP P.L.C. described a case as removed "pursuant to" § 1442 or § 1443 when the defendant's notice of removal asserts the case is removable "in accordance with or by reason of" one of those provisions. 593 U.S. at 238 n.2. The question here is whether that description states a categorical rule that the statutory citation must appear in the notice itself, or whether a notice that sets out the substantive civil-rights theory, followed by a timely statutory label before the district court finally resolved reconsideration, can also satisfy § 1447(d). *BP P.L.C.* did not present that question and did not answer it.

Nor does *Shapiro v. Logistec USA, Inc.*, 412 F.3d 307 (2d Cir. 2005) — the case the Second Circuit cited — answer the question. There, this Court of Appeals held that a § 1441(b) forum-defendant remand was reviewable because the objection had

been raised more than thirty days after removal and therefore fell outside § 1447(c). *Id.* at 313–14. Here, the District Court found that Respondent had raised the forum-defendant objection in its original, Day-30 memorandum, Order re Motion to Remand at 1 (D. Conn. Dec. 18, 2025); App. 7a, so *Shapiro*'s timeliness-based rule does not present the question here. Petitioners do not ask this Court to revisit that finding. The distinct question is whether § 1447(d)'s express exception for cases removed pursuant to § 1443 applies when the removing party alleged the underlying civil-rights theory in the notice of removal but applied the § 1443 statutory label only in a timely motion for reconsideration. *Shapiro* did not present that question.

Petitioners do not ask this Court to resolve that question by first deciding whether their underlying § 1443(1) claim would satisfy *Georgia v. Rachel*, 384 U.S. 780 (1966), or any other doctrinal predicate for civil-rights removal. If the Court holds that § 1447(d)'s exception applies, the merits of Petitioners' § 1443 theory can then be addressed by the lower courts. The only question this petition presents is antecedent to it: whether the Second Circuit had authority to dismiss the appeal for lack of jurisdiction without ever deciding whether Petitioners' reconsideration-stage invocation of § 1443 was enough to trigger *BP P.L.C.*'s rule. The Second Circuit did not decide that question. Neither did the District Court, whose reconsideration order rested first on the absence of § 1443 from the Notice of Removal, and separately on its view that the record did not establish a basis for relief under the statute — neither of which addresses whether a timely reconsideration-stage

invocation can itself satisfy § 1447(d). This Court's review would resolve a narrow statutory question concerning appellate jurisdiction — not referee a fact-bound civil-rights dispute that no court below has yet reached.

D. The Question Is Important, Recurring, and Warrants Review

This case cleanly raises an important and likely recurring question: the District Court addressed § 1443 on reconsideration, but the Second Circuit never addressed it at all. The distinction matters because § 1447(d) does not merely regulate the scope of appellate review; it ordinarily forecloses appellate review altogether, making the point at which the § 1443 exception attaches dispositive of whether a remand order receives appellate review at all.

Lower courts need a workable rule for identifying when a civil-rights removal invokes that exception — particularly where, as here, a removing party's notice sets out the underlying constitutional theory before the specific civil-rights statute is identified. The question can recur whenever a removing party invokes a civil-rights theory in substance but a dispute later arises over whether the statutory basis for that theory was adequately invoked to trigger § 1447(d)'s exception. The question therefore presents an important question of federal law that has not been, but should be, settled by this Court. See Sup. Ct. R. 10(c).

This is not a request for ordinary error correction. It asks this Court to establish the statutory boundary governing when § 1443 brings a remand order within § 1447(d)'s exception to appellate review.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/

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