

No. _____

In the
Supreme Court of the United States

STATE OF LOUISIANA, ET AL.,
Applicants,

v.

DEVON ENERGY PRODUCTION COMPANY, L.P.,
Respondent.

APPENDIX TO APPLICATION TO VACATE THE FIFTH CIRCUIT'S OCTOBER 5 ORDER

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United States Court of Appeals for the Fifth Circuit

No. 26-30505

United States Court of Appeals
Fifth Circuit

FILED

October 5, 2026

PARISH OF CAMERON,

Lyle W. Cayce
Clerk

Plaintiff—Appellee,

STATE OF LOUISIANA, *formerly known as* LOUISIANA DEPARTMENT
OF ENERGY AND NATURAL RESOURCES, *on behalf of* LOUISIANA
DEPARTMENT OF CONSERVATION & ENERGY,

Intervenor Plaintiff—Appellee,

versus

DEVON ENERGY PRODUCTION COMPANY, L.P., *formerly known as*
PENNZENERGY EXPLORATION and PRODUCTION, L.L.C., *formerly*
known as PENNZOIL EXPLORATION & PRODUCTION COMPANY,

Defendant/Cross-Claimant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:26-CV-1335

PUBLISHED ORDER

Before SMITH, SOUTHWICK, and WILSON, *Circuit Judges*.

PER CURIAM:

Devon Energy Production Company, L.P. (“Devon”), requests that

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this court recognize an automatic stay of the district court’s remand to the Louisiana state courts while Devon appeals that remand. The district court remanded because it held that Devon had improperly removed to federal court under the federal officer removal statute, 28 U.S.C. § 1442. Devon appealed that remand by exercising its right under 28 U.S.C. § 1447(d).

Devon contends that its § 1447(d) right to appeal entitles it to an automatic stay of the remand. In the alternative, Devon asks for a discretionary stay of that remand. Louisiana and Cameron Parish respond that the remand is not automatically stayed and that Devon is not entitled to a discretionary stay.

Devon was entitled to an automatic stay of the district court’s remand order once its § 1447(d) notice of appeal was docketed. The federal officer removal statute and binding precedent require as much. And the Anti-Injunction Act presents no bar to Devon’s entitlement to a stay.

I.

“We review a district court’s decision to stay a proceeding for abuse of discretion, but to the extent that such a decision rests on an interpretation of law, the review is *de novo*.”¹ Because this issue is legal—whether the district court mistakenly interpreted the federal officer removal statute and binding precedent when it failed to recognize an automatic stay—we review that decision *de novo*.

II.

A short procedural history is in order. This case arose when various Louisiana parishes—joined by the state of Louisiana as an intervenor—sued

¹ *Plaquemines Par. v. Chevron USA, Inc.*, 84 F.4th 362, 373 (5th Cir. 2023) (quoting *Noatex Corp. v. King Constr. L.L.C.*, 732 F.3d 479, 488 (5th Cir. 2013)) (internal quotation marks omitted).

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oil and gas companies in state courts for damage to the Louisiana coast. Devon was one of the defendants. Devon removed to federal court under the federal officer removal statute, 28 U.S.C. § 1442.

Section 1442 removes to federal court “[a] civil action or criminal prosecution that is commenced in a State court and that is directed against” (1) “[t]he United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof” whether in an individual or official capacity, “for or relating to any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue”; (2) a property holder whose title is derived from federal officers and where such a suit would affect the validity of federal law; or (3) an officer of the judiciary or Congress. 28 U.S.C. § 1442(a).

Devon removed on two grounds. It asserted that the suit challenged Devon’s “conservation activities taken while acting in furtherance of the federal government’s property interest in the [Rockefeller Wildlife Refuge].” Br. of Devon at 7 (quoting Notice of Removal at 2–10). And it argued removal was proper because “the lawsuit challenged Exxon’s [a co-defendant’s] World War II avgas [aviation gas] production efforts under federal contracts.” *Id.*

Louisiana moved to remand. As the remand motion lay pending, Exxon settled and was excused from the case. Then, on August 19, 2026, the district court issued an opinion in a closely related case that directly implicated the one at bar. The opinion concluded that “Devon failed to satisfy the ‘acting under’ element required for federal officer removal because (1) it did not operate under any World War II contracts and (2) it did not act under the federal government through its Refuge conservation activities.” Br. of Devon at 9 (citing *Par. of Cameron v. Alpine Expl. Co.*, No. 2:26-CV-01337, 2026 WL

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2428143, at *14 (W.D. La. Aug. 19, 2026)). On August 21, 2026, the district court entered a remand in this case.

Devon filed a notice of appeal, using § 1447(d). It also filed an emergency motion to clarify or stay the remand order. The district court denied Devon’s motion. Devon now moves for this court to recognize an automatic stay of the remand as this court considers its appeal on the merits.

We agree and hold that an automatic stay of the district court’s remand was effective once Devon’s notice of appeal under § 1447(d) was docketed. We thus grant the motion for stay pending appeal.

III.

Like the Fourth and Eleventh Circuits, we hold that Devon is entitled to an automatic stay for the duration of its appeal. We reach this conclusion in three steps. *First*, the federal officer removal statute entitles Devon to appeal a district court finding against removability in federal court. *Second*, the *Griggs* principle, *see Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982), applies and renders available automatic stays in this federal officer removal context. *Third*, the federal officer removal statute does not displace the *Griggs* principle.²

² Because the *Griggs* principle, as a self-contained matter, affords Devon an automatic stay pending appeal—even after the district court transmitted a remand order—we need not address Devon’s contention that Federal Rule of Civil Procedure 62(a) automatically stayed the remand order following its entry. The Fourth and Eleventh Circuits, too, recognized automatic stays once a § 1447(d) notice of appeal is docketed on the ground of *Griggs* alone. *See City of Martinsville v. Express Scripts, Inc.*, 128 F.4th 265, 270 (4th Cir. 2025) (“A district court is therefore immediately required to halt all proceedings covered by the *Griggs* principle when a proper notice of appeal is docketed, whether or not the parties ask it to.”); *City of Brunswick v. Honeywell Int’l, Inc.*, 184 F.4th 1230, 1241–42 (11th Cir. 2026) (“Relying, then, on the *Griggs* principle as explained in *Coinbase*, we hold that the appeal of a motion to remand under § 1447(d) triggers an automatic stay of all district court proceedings—including the remand order—pending resolution of the appeal.”),

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A.

Consider the federal officer removal statute. As discussed above, § 1442 permits the removal of state court proceedings to federal district court when the matter implicates certain federal interests.³

And § 1447(d) 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.” In other words, § 1447(d) provides the right to an interlocutory appeal whenever a district court remands to state court for want of removal jurisdiction under the federal officer removal statute.

B.

Now consider the *Griggs* principle, which was most recently distilled in *Coinbase, Inc. v. Bielski*, 599 U.S. 736 (2023). *Coinbase* concerned whether there is an automatic stay of district court proceedings when a party, under its statutory right in 9 U.S.C. § 16(a), files an interlocutory appeal of a district court’s denial of its motion to compel arbitration. The Supreme Court answered in the affirmative. Applying *Griggs*, it reasoned that when an issue is appealed, the district court is “divest[ed] . . . of its control over those aspects of the case involved in the appeal.” *Coinbase*, 599 U.S. at 740 (quoting *Griggs*, 459 U.S. at 58 (internal quotation marks omitted)).

petition for cert. filed (Sept. 1, 2026) (No. 26-289).

³ See *Chevron USA Inc. v. Plaquemines Par.*, 608 U.S. 1, 6 (2026) (“Under the federal officer removal statute, a removing defendant must satisfy three requirements. 1) the removing defendant must be the United States, a federal agency, a federal officer, or a person ‘acting under’ a federal officer, such as certain private parties hired to assist federal officers. 2) the suit must be ‘for or relating to any act under color of such office.’ § 1442(a)(1). 3) the removing defendant must assert ‘a colorable federal defense.’”) (cleaned up).

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As a corollary of a § 16(a) appeal’s jurisdictional shift, an automatic stay must issue. Otherwise, “Congress’ decision in § 16(a) to afford a right to an interlocutory appeal would be largely nullified.” *Id.* at 743. Allowing the trial to move forward whilst a court of appeals considers the arbitrability issue would render “many of the asserted benefits of arbitration [such as efficiency] . . . irretrievably lost.” *Id.* “Absent a stay, parties also could be forced to settle to avoid the district court proceedings (including discovery and trial) that they contracted to avoid through arbitration.” *Id.* Not staying trial proceedings would also derogate judicial economy. *Id.* And “when Congress wants to authorize an interlocutory appeal, but *not* to automatically stay district court proceedings pending that appeal, Congress typically says so.” *Id.* at 744.

In short, automatic stays must issue when “continuation of proceedings in the district court largely defeats the point of the appeal.” *Id.* at 743 (citation omitted).

C.

The *Griggs* principle applies here. Its logic and justifications work with equal force to the federal officer removal statute.

At bottom, *Coinbase* and *Griggs* teach that when an interlocutory appeal is filed, an automatic stay obtains where not granting one would “defeat[] the point of the appeal,” nullifying “Congress’ decision . . . to afford a right to an interlocutory appeal” in turn. *Id.* at 743–44.⁴ And they instruct that the *Griggs* principle is a backdrop presumption read into other-

⁴ Of course, an automatic stay pending an interlocutory appeal only stays the lower court proceedings affected by the appeal. Unrelated lower court proceedings may proceed. The contours of an automatic stays pending appeal are controlled by its lodestar of vindicating “Congress’s decision” to provide a right to an interlocutory appeal, after all. See *Coinbase*, 599 U.S. at 743–44.

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wise silent authorizations of interlocutory appeals. The *Coinbase* Court recognized the *Griggs* principle's trans-substantive nature: "In relying on *Griggs*, *Coinbase* did not discriminate between arbitration and other appeals. Indeed, it went out of its way to approvingly recognize that qualified immunity and double jeopardy were 'analogous contexts' where the courts of appeals have long imposed automatic stays upon appeal." *City of Martinsville*, 128 F.4th at 271 (quoting *Coinbase*, 599 U.S. at 742 & n.2).

To begin, the facts here parallel those in *Coinbase*. "[J]ust as [the *Coinbase*] appeal of a motion to compel arbitration decides the forum in which proceedings will continue, the appeal of a remand order decides 'whether the case belongs in [state court] or instead in the district court.' In both contexts, 'the entire case is essentially 'involved in the appeal.''" *City of Brunswick*, 184 F.4th at 1240 (quoting *Coinbase*, 599 U.S. at 743 and *Griggs*, 459 U.S. at 58) (citation modified).

As in *Coinbase*, not automatically staying the remand order could jeopardize Devon's appeal and undermine Congress's decision to afford the § 1447(d) right to appeal. The point of Devon's Section 1447(d) appeal—and Section 1447(d) appeals generally—is to adjudicate its right to removal under Section 1442. And the right to removal is—eponymously—a right to be *removed* from the jurisdiction of state courts. Not staying the remand order, therefore, would defeat Devon's appeal, for Devon would be subjected to the jurisdiction of the state court: It would lose the right that it seeks to retain by exercising its § 1447(d) appeal. Further, "[u]nless the district court or state court grants a discretionary stay pending appeal, it is likely that state court proceedings during the appeal would require . . . litigation in state court—[which could] moot[] this appeal Recognizing an automatic stay in this context preserves Congress's choice to grant appellate review of decisions denying federal officer removal." *City of Brunswick*, 184 F.4th at 1240 (citation modified).

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Granted, *Coinbase* applied *Griggs* to a stay of a *federal* district court’s proceedings and did not implicate state court proceedings. Hence, Louisiana distinguishes *Coinbase*, reasoning that Devon’s proposed stay would divest “another sovereign of jurisdiction.” Br. of Louisiana at 13 (cleaned up).

This court’s decision in *Plaquemines Parish* averts Louisiana’s theory. As Louisiana agrees, we noted in *Plaquemines Parish* that district courts retain jurisdiction to enter discretionary stays when a party appeals under § 1447(d). *Plaquemine Par.*, 84 F.4th at 371–73. Those discretionary stays, like the automatic stay sought, would also divest state courts—another sovereign—of their jurisdiction. If discretionary stays are available and comply with federalism, then the same is true about automatic stays. Louisiana’s argument proves too much.

Louisiana retorts that the *Griggs* principle’s applicability was foreclosed by *Plaquemines Parish*. It avers that this court in *Plaquemines Parish* applied *Coinbase* while evaluating the propriety of a *discretionary* stay. Louisiana concludes that *Coinbase*’s automatic stay holding should not extend to the removal context, for the *Plaquemines Parish* court impliedly rejected the availability of an automatic stay by citing *Coinbase* whilst discussing the discretionary stay factors.

Louisiana misreads *Plaquemines Parish*. While this court in *Plaquemines Parish* cited *Coinbase*, it did so in the procedural posture of the plaintiff’s asking for vacatur of the district court’s entry of a discretionary stay. *Id.* at 366. We granted vacatur. Thus, the question of automatic stays was not before us: We were reviewing whether the district court had erred in granting a *discretionary* stay. *Id.* at 373.

Further, this court’s citation of *Coinbase* was limited to explaining what counts as an “irreparable harm” under the traditional test for discretionary stays. *Id.* at 375–76. And we cited *Coinbase* for its quotation of *other*

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cases that explained the scope of the irreparable harm prong. *Id.* (citing *Coinbase*, 599 U.S. at 746–47 (quoting *Renegotiation Bd. v. Bannerkraft Clothing Co.*, 415 U.S. 1, 24 (1974), and *Nken v. Holder*, 556 U.S. 418, 434–35 (2009))). Thus, *Plaquemines Parish*’s cursory citation of *Coinbase* did not concern the availability—or the lack thereof—of automatic stays in the removal context. *Plaquemines Parish* did not generate binding precedent foreclosing *Coinbase*’s application to officer removal. We do not overturn, contradict, or abrogate *Plaquemines Parish*.⁵

D.

The federal officer removal statute does not displace *Griggs*. Louisiana postulates that § 1447(c) displaces the *Griggs* principle because it “established . . . statutorily protected jurisdiction for the state court while any such appeal is pending.” Br. of Louisiana at 12. Section 1447(c) provides, in relevant part, that after “[a] certified copy of the order of remand [is] mailed by the [district court] clerk to the clerk of the State court . . . [t]he State court may thereupon proceed with such case.” Similarly, Louisiana argues that because the “remand order has been transmitted to the state court, *Coinbase* would have no work to do even if it otherwise applied: There are no district court ‘proceedings’ to be stayed, for the district court is done with the case.” Br. of Louisiana at 11.

⁵ One could contend that this decision contradicts *Plaquemines Parish* because it abrogates the availability of discretionary stays: Discretionary stays that *Plaquemines Parish* found available. *See Plaquemines Par.*, 84 F.4th at 371–73. Not so. We do not hold that discretionary stays are unavailable, but only that an automatic stay obtains when a § 1447(d) notice of appeal is docketed.

While this decision curtails the necessity for discretionary stays—going forward, discretionary stays in the § 1447(d) context will be rare—we do not disturb *Plaquemines Parish*’s holding that district courts retain jurisdiction to enter discretionary stays when a party appeals under § 1447(d). *See id.* Discretionary stays remain available.

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Plaquemines Parish forecloses both arguments. Like Louisiana, the *Plaquemines Parish* plaintiffs argued that “the district court lacked jurisdiction to stay the remand order because the plain text of 28 U.S.C. § 1447(c) shows that jurisdiction transfers to the state court upon the mailing of the remand order, and jurisdiction to stay the order does not follow from jurisdiction to vacate it.” *Plaquemines Par.*, 84 F.4th at 371–72.

This court rejected the foregoing argument on two grounds. “*First*, we have stayed already-mailed remand orders at least twice since 2014, and at least once in the face of identical arguments in a case closely related to this one.” *Id.* at 372 (citing *Humphries v. Elliott Co.*, 760 F.3d 414, 416 (5th Cir. 2014), and Order, *Par. of Cameron v. BP Am.*, No. 19-30829 (5th Cir. Nov. 4, 2019), ECF No. 76). While not precedential, “they presuppose federal court jurisdiction to stay an already-mailed remand order.” *Id.*

Second, this court concluded that the *Plaquemines Parish* plaintiffs over-read § 1447(c). We reasoned that their contention “is inconsistent with the undisputed proposition that the district court *retains jurisdiction* to vacate its already-mailed remand order because the order is appealable under section 1447(d).” *Id.* And while this court stated in *Arnold v. Garlock* that “the district court is divested of jurisdiction . . . [when] the remand order . . . is certified and mailed by the clerk of the district court,” 278 F.3d 426, 438 (5th Cir. 2001), “*Arnold* speaks only to remand orders that are not appealable Instead, where a remand order is appealable under Section 1447(d), the remand order is treated like any other final judgment [and the district court retains jurisdiction].” *Plaquemines Par.*, 84 F.4th at 372 (1994) (citation and internal quotation marks omitted).

And “because [the district court] had jurisdiction to vacate its remand

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order, it also had jurisdiction to stay its remand order.” *Id.*⁶

Like the *Plaquemines Parish* plaintiffs’ argument, Louisiana’s contention fails. As *Plaquemines Parish* teaches, § 1447(c) does not foreclose discretionary stays because a district court “retain[s] jurisdiction to vacate its already-mailed remand order,” granting them “jurisdiction to stay its remand order[s]” in turn. *Id.* In other words, Section 1447(c) does not “statutorily protect[],” Br. of Louisiana at 12, state court jurisdiction from discretionary stays.

Automatic stays operating in the same removal context are no different. They work the same: Divesting a court proceeding of its legal force. And they rely on the same jurisdictional authority: the district court’s residual jurisdiction to stay its own remand orders. If Louisiana’s theory were correct, then the *Plaquemines Parish* court’s consideration of a discretionary stay would prove unnecessary: *Any* stay would be foreclosed by § 1447(c). And like Devon’s proposed stay, the stay discretionarily vacated in *Plaquemines Parish* was entered after (in the *Plaquemines Parish* case over one month after) the district court “mailed its remand order to state court.” *Plaquemines Par.*, 84 F.4th at 366. Nonetheless, in *Plaquemines Parish*, we vacated the district court’s stay by considering the discretionary stay factors and noting that § 1447(c) serves no bar to stays in the removal context, evincing the availability of stays, discretionary and automatic.⁷

⁶ See also Christopher D. Moore, *So-Called “Administrative Stays” in Trump 2.0*, 104 TEX. L. REV. ONLINE 1, 9 (2025) (“A stay is . . . a temporary version of vacatur.”)

⁷ See also *City of Martinsville*, 128 F.4th at 271 (“Distinctions require meaningful differences to matter; a decision’s rationale binds us even if some immaterial facts differ As Justice Gorsuch explained in *Ramos v. Louisiana*, ‘[i]t is usually a judicial decision’s reasoning—its ratio decidendi—that allows it to have life and effect in the disposition of future cases.’”) (quoting *Ramos v. Louisiana*, 590 U.S. 83, 104 (2020)).

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If anything, the *Griggs* principle augurs a *greater* availability of automatic stays. It is a “background principle” that “reflects a longstanding tenet of American procedure.” *Coinbase*, 599 U.S. at 740. Therefore, “when Congress wants to authorize an interlocutory appeal, but *not* to automatically stay district court proceedings pending that appeal, Congress typically says so.” *Id.* at 744. It is presumptively read into authorizations of interlocutory appeal, statutory silence notwithstanding. *Id.* *Griggs* did not apply in *Plaquemines Par.*, for this court reviewed a discretionary stay. Nonetheless, we held that § 1447(c) did not displace the availability of discretionary stays. Accordingly, it is hard to imagine how it would rebut the *Griggs* principle’s presumption of automatic stays pending appeal.

Further, Devon’s proposed stay targets the district court’s remand order, *not* state court proceedings themselves. Unlike injunctions, which target particular parties, stays “operate[] [upon] the judicial proceeding itself” by “halting or postponing some portion of the proceeding, or by temporarily divesting an order of enforceability.” *Nken*, 556 U.S. at 428 (citation omitted). Here, “Devon has moved for a stay of the *District Court’s Remand Order*, not of any state court proceeding.” Devon’s Reply Br. at 7 (emphasis added). And *Plaquemines Parish* teaches that the district court retains jurisdiction to stay its previously mailed remand order. *Plaquemines Par.*, 84 F.4th at 372. Contrary to Louisiana’s assertion, there is a valid district court proceeding—a remand—to be stayed. *Coinbase* controls.

IV.

Because the automatic stay deprives the state court of jurisdiction, the Anti-Injunction Act provides no bar to a stay in Devon’s favor: There is no state court proceeding to enjoin. And even if Devon is seeking an injunction to stay state court proceedings, it is not barred by the Anti-Injunction Act because it is in aid of this Court’s jurisdiction.

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A.

The Anti-Injunction Act provides that “A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.” 28 U.S.C. § 2283.

To be barred by the Anti-Injunction Act, Devon’s remedy must enjoin to “stay” state court proceedings. But the automatic stay here divests the state court of jurisdiction, so there are no valid state court proceedings to enjoin.

As aforementioned, stays “operate[] [upon] the judicial proceeding itself.” *Nken*, 556 U.S. at 428. And even after a § 1447(d) appeal, a district court retains jurisdiction to stay its own remand orders owing to its jurisdiction to *vacate* its own remand; the instant automatic stay operates under that residual jurisdiction. *Plaquemines Par.*, 84 F.4th at 371–73. Considering its function and jurisdictional context, the instant stay temporarily deprives the district court’s remand order of its legal effect.

And by divesting the remand of its legal force, the stay turns off the state court’s jurisdictional “pipeline,” rendering any state court proceedings a nullity in turn. The remand order is the state court’s source of jurisdiction for “the removal of a case from state court to federal court ends the power of the state court to act The jurisdiction of the state court is not restored unless and until the federal court remands the case.” *E. D. Sys. Corp. v. Sw. Bell Tel. Co.*, 674 F.2d 453, 458 (5th Cir. 1982) (citations omitted). Absent state court jurisdiction, there are no valid “proceedings in a State court” to enjoin. 28 U.S.C. § 2283.

B.

But suppose that Devon is seeking an injunction to stay state court proceedings. Arguably, the automatic stay here enjoins the district court

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because it is recognized by an appellate court but uses—and thus directs—the district court’s residual jurisdiction: The paradigmatic example of an injunction’s compelling action *in personam*. And arguably, the automatic stay stays state court proceedings, for it divests state courts of authority to hear the case by divesting their predicate jurisdictional authority: the district court’s remand order. If so, the instant automatic stay falls within the Anti-Injunction Act’s plain terms.

Even then, Devon’s proposed stay is not barred by the Anti-Injunction Act. It would be “necessary in aid” of [this Court’s] jurisdiction. 28 U.S.C. § 2283. As *Griggs* teaches, when an issue is appealed, the district court is “divest[ed] . . . of its control over those aspects of the case involved in the appeal.” *Coinbase*, 599 U.S. at 740 (citing *Griggs*, 459 U.S. at 58). Jurisdictional concerns animated the foregoing principle: It “grew from the general understanding that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously.” *City of Brunswick*, 184 F.4th at 1239 (citing *Coinbase*, 459 U.S. at 58) (internal quotation marks omitted). *Coinbase* extended that principle to protect appellate jurisdiction from parallel district court proceedings pending a § 16(a) appeal. *Id.* And this Court, alongside the Fourth and Eleventh Circuits, now extends that principle to protect appellate jurisdiction from parallel state court proceedings.

Therefore, an automatic stay here is “necessary in aid” of this court’s jurisdiction. The Anti-Injunction Act, in turn, does not apply.

* * *

The motion for stay, pending appeal, of the district court’s order of remand is GRANTED.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

PARISH OF CAMERON ET AL

CASE NO. 2:26-CV-01335

VERSUS

JUDGE TERRY A. DOUGHTY

BURLINGTON RESOURCES OIL & GAS CO L P ET AL

**MAG. JUDGE KAYLA D.
MCCLUSKY**

MEMORANDUM ORDER

Before this Court is an Emergency Motion for Clarification or Stay [Doc. No. 50] filed by Devon Energy Production Company, L.P. (“Devon”). A Consolidated Opposition [Doc. No. 52] was filed by the State of Louisiana (“Louisiana”) and the Parish of Cameron (“Cameron”). A Reply [Doc. No. 53] was filed by Devon.

On August 21, 2026, a Judgment was signed, granting Louisiana and Cameron’s motion to remand, and remanding this case to Louisiana’s 38th Judicial District Court, Cameron Parish.¹ A Notice of Remand was sent to the Clerk that same day.²

In its Emergency Motion for Clarification or Stay, Devon asks the Court to stay the remand order for at least thirty (30) days and through the final disposition of Devon’s appeal.³ Alternatively, Devon requests the Court enter a discretionary stay of the remand order pending appeal.⁴

¹ [Doc. No. 47].

² [Doc. No. 48] .

³ [Doc. No. 50-1, p. 1].

⁴ [Id. at pp. 8–13].

Louisiana and Cameron argue that there are no grounds either for a temporary stay or a discretionary stay pending appeal.⁵ Louisiana and Cameron further argue that since the remand, the Louisiana state court has resumed jurisdiction over this case and that the Anti-Injunction Act prohibits the Court from issuing an order or injunction divesting the state court of jurisdiction after mailing the notice of remand.⁶

After considering the arguments of Devon, Louisiana, and Cameron, this Court finds that the “automatic stay” provisions of Federal Rule of Civil Procedure 62(a) do not apply to remand orders. Rule 62(a) stays execution and enforcement of a judgment. FED. R. CIV. P. 62(a). Because a remand order requires neither, Rule 62 provides no automatic stay. *Arnold v. Garlock, Inc.*, 278 F.3d 426, 437 (5th Cir. 2001). Although the Court retains authority to stay an appealable remand order, that relief is discretionary. *Plaquemines Par. v. Chevron USA, Inc.*, 84 F.4th 362, 371–73 (5th Cir. 2023). Devon cites *Coinbase, Inc. v. Bielski*, to support its argument that an automatic stay should be afforded.⁷ Not so. *Coinbase* does not compel a different result because it interpreted neither Rule 62(a) nor the remand statute. 599 U.S. 736, 744-47 (2023).

This Court also finds that the Anti-Injunction Act prohibits this Court from issuing a stay order divesting the state court of jurisdiction after the mailing of the Notice of Remand. 28 U.S.C. § 2283. The Anti-Injunction Act prohibits a federal court from staying state-court proceedings unless one of three statutory exceptions applies.

⁵ [Doc. No. 52, pp. 1–2].

⁶ [Id. at 2].

⁷ [Doc. No. 50-1, p. 9].

Id. Here, the Clerk mailed the certified remand order before Devon sought a stay, thereby authorizing the state court to resume proceedings under § 1447(c).⁸ Once the state court resumed jurisdiction, a federal stay purporting to divest that jurisdiction would have the same practical effect as an injunction against the state proceedings. *See Texas Employers' Insurance Ass'n v. Jackson*, 862 F.2d 491, 504–06 (5th Cir. 1988) (en banc) (holding that § 2283 bars declaratory relief having the same effect as an injunction against pending state proceedings). Because Devon has not established that any statutory exception applies, the Anti-Injunction Act bars that relief.

Further, in determining whether to grant a discretionary stay pending appeal, the Court considers: “(1) whether the stay applicant has made a strong showing that [it] is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 434 (2009). The first two factors are the most critical. *Id.* This Court finds that a discretionary stay of the remand order is not warranted because Devon does not have a strong or substantial likelihood of success on the merits and because there is no irreparable injury to Devon. *See Plaquemines Parish*, 84 F.4th at 373–76 (finding no likelihood of success where the movant offered no evidence undermining the remand ruling, and no irreparable injury where no trial was imminent). The remaining factors likewise weigh against a stay because further delay would impair Louisiana and Cameron’s interests in remedying the alleged loss

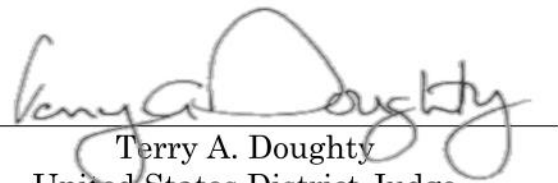
⁸ [Doc. No. 48].

of coastal lands and enforcing Louisiana's coastal-zone laws, while comity and the public interest favor allowing the remanded state-court proceedings to continue. *Id.*

Therefore,

IT IS ORDERED that the Emergency Motion for Clarification and Stay [Doc. No. 50] filed by Devon is **DENIED**.

Monroe, Louisiana, this 2nd day of September, 2026.



Terry A. Doughty
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

PARISH OF CAMERON ET AL

CASE NO. 2:26-CV-01335

VERSUS

JUDGE TERRY A. DOUGHTY

BURLINGTON RESOURCES OIL & GAS CO L P ET AL

MAG. JUDGE KAYLA D.
MCCLUSKY

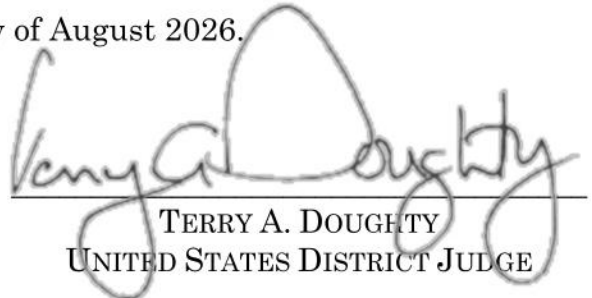
JUDGMENT

Before the Court is a Motion to Remand [Doc. No. 16] filed by Plaintiffs, Cameron Parish and the State of Louisiana (collectively, "Plaintiffs"). Defendant, Devon Energy Production Company LP, opposed the Motion [Doc. No. 31], and Plaintiffs filed a reply [Doc. No. 38]. The Court issued a consolidated ruling on these matters in *Cameron Parish v. Alpine Exploration Company*, No. 26-1337, 2026 WL 2428143 (W.D. La. Aug. 19, 2026). So, for the reasons assigned therein, *see id.*,

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion to Remand [Doc. No. 16] is **GRANTED**, and the above-captioned case is **REMANDED** to Louisiana's 38th Judicial District Court for Cameron Parish, Louisiana, for further proceedings.

IT IS FURTHER ORDERED that Plaintiff's Motion for Attorneys' Fees [Doc. No. 16] is **DENIED**.

MONROE, LOUISIANA, this 21st day of August 2026.


TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
OFFICE OF THE CLERK**

August 21, 2026

Susan Racca, Clerk of Court
38th Judicial District Court
Cameron Parish
P O Box 549
Cameron, LA 70631

In re: Civil Action No. 2:26ev01335FADKDM
CAMERON ET AL V. BURLINGTON RESOURCES OIL & GAS CO L P ET AL
Your Case No. 10+9575

Dear Clerk:

Please be advised that the above captioned matter has been remanded to your Court. We enclose herewith a certified copy of our docket sheet and the Judgment or Order to Remand.

The official court record for the Western District of Louisiana is the electronic case filing system, CM/ECF. Our website is: <http://ecf.lawd.uscourts.gov>; counsel may access this database to obtain any pleadings you require.

Please acknowledge receipt on the enclosed copy of this letter.

ATTORNEYS ARE ADVISED THAT ALL FUTURE FILINGS SHOULD BE DIRECTED TO THE RECEIVING COURT NAMED ABOVE.

For questions regarding this document or transmission, please call our CM/ECF help desk at 1866323+101.

THUS DONE August 21, 2026.

DANIEL J. MCCOY
CLERK OF COURT

A Crawford
DEPUTY CLERK OF COURT

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

THE PARISH OF CAMERON, ET AL.	*	CIVIL ACTION NO.: 2:26-cv-01335
	*	
Plaintiffs	*	
	*	
VERSUS	*	JUDGE TERRY A. DOUGHTY
	*	
BURLINGTON RESOURCES OIL &	*	
GAS COMPANY, LP, ET AL.	*	
	*	
Defendants.	*	MAGISTRATE JUDGE
	*	KAYLA D. MCCLUSKY
	*	
* * * * *		

NOTICE OF APPEAL

Notice is hereby given that Devon Energy Production Company, LP (“Devon”) appeals to the United States Court of Appeals for the Fifth Circuit from the Order entered in this action on August 21, 2026 (ECF No. 47).

Dated: August 21, 2026

Respectfully submitted,

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***Attorneys for Devon Energy Production
Company, L.P.***

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August, 2026 I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing to all counsel registered for electronic service.

/s/ Esteban Herrera, Jr.

Esteban Herrera, Jr.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

PARISH OF CAMERON ET AL

CASE NO. 2:26-CV-01337

VERSUS

JUDGE TERRY A. DOUGHTY

ALPINE EXPLORATION CO INC ET AL

MAG. JUDGE KAYLA D.
MCCLUSKY

MEMORANDUM ORDER

Before the Court is a Motion to Remand [Doc. No. 30] filed by Plaintiffs, the State of Louisiana and Cameron Parish (collectively, “Plaintiffs”). Defendants, Chevron U.S.A. Holdings, Inc. and Chevron U.S.A., Inc. (“Chevron”); The Texas Company; and Devon Energy Production Company, L.P. (“Devon”) (collectively, “Defendants”), oppose the Motion [Doc. No. 38].¹ Plaintiffs filed a reply [Doc. No. 50].

For the following reasons, the Motion is **DENIED**.

I. Background

If these cases² are examples, “the term ‘civil procedure’ is an oxymoron.” *Hernandez v. Results Staffing, Inc.*, 907 F.3d 354, 357 (5th Cir. 2018).³ This is one of 42 cases filed in state court in 2013 but that has dribbled back and forth between state and federal court multiple times. *See Plaquemines Par. v. BP Am. Prod. Co.*, 103 F.4th 324, 329–31 (5th Cir. 2024) (“*Plaquemines III*”), *vacated and remanded sub nom. Chevron USA Inc. v. Plaquemines Par.*, 146 S. Ct. 1052, 1059 (2026).

¹ All Other Defendants adopt, by reference, Defendants’ arguments. *See* [Doc. Nos. 33–37, 39–45].

² This ruling also covers: 26-cv-1335 (W.D. La. April 27, 2026), 26-cv-1336 (W.D. La. April 27, 2026), 26-cv-1339 (W.D. La. April 27, 2026), 26-cv-1340 (W.D. La. April 27, 2026), 26-cv-1341 (W.D. La. April 27, 2026), 26-cv-1344 (W.D. La. April 27, 2026), 26-cv-1347 (W.D. La. April 27, 2026), and 26-cv-1349 (W.D. La. April 27, 2026), and 26-cv-1350 (W.D. La. April 27, 2026).

³ All internal citations, quotation marks, and footnotes in case cites are omitted unless otherwise noted.

Plaintiffs allege that Defendants violated Louisiana’s State and Local Coastal Resources Management Act of 1978 (“SLCRMA”), La. Rev. Stat. Ann. § 49:214.21, *et seq.*, and related state and local regulations, rules, orders, and ordinances.⁴ SCLRMA creates a cause of action against those who operate in Louisiana’s Coastal Zone without a coastal use permit or who operate beyond their permits’ authorization. *Id.* § 214.36(E). Plaintiffs allege Defendants decades-long conduct—oil drilling, building and using waste pits, and canal dredging—in this case’s Operational Area (“OA”) in Cameron Parish’s Coastal Zone marred the Coastal Zone, resulting in environmental changes, faster land loss, and amplified flood and storm-related damage.⁵

This Court first remanded these cases back to state court in 2013 after it found no diversity, federal question, or admiralty jurisdiction. *Plaquemines III*, 103 F.4th at 330. Then, Defendants removed the cases under a federal officer removal theory, which this Court and the Fifth Circuit rejected. *Id.* Defendants appealed those rulings to the Supreme Court, which clarified the removal test for federal officer jurisdiction and vacated the prior rulings for reconsideration in light of the clarified test. *Chevron*, 146 S. Ct. at 1060–63. So, Defendants removed these cases again.⁶

Defendants’ current removal relies on the same theory as their last one—namely, that they acted as federal officers since they contracted with the federal government to supply aviation gas (“avgas”) during World War II and Plaintiffs’ suit is related to those World War II-era activities.⁷ Plaintiffs, emphatically, disagree.

⁴ [Doc. No. 1-1, pp. 13–14].

⁵ [Id. at pp. 24–30].

⁶ [Doc. No. 1].

⁷ [Id. at p. 5].

They argue that the case should be remanded back to state court because Defendants do not meet the requirements for federal officer removal⁸ and the removals are otherwise improper as they are: (1) untimely, (2) based on same grounds as before without any new facts, and (3) barred by the voluntary-involuntary rule.⁹

The parties briefed all relevant issues, and the matter is now ripe.

II. Legal Standard

Federal courts “are all of limited jurisdiction[.]” *Hain Celestial Grp., Inc. v. Palmquist*, 607 U.S. 421, 428 (2026) (quoting *Kempe’s Lessee v. Kennedy*, 9 U.S. (5 Cranch) 173, 185 (1809)). Cases in federal court typically fall under one of two categories: diversity jurisdiction (where the parties are from different states) and federal question jurisdiction (where the suit is based on or involves federal law). Rarely, however, does a third category apply: federal officer removal. This allows a defendant to remove to federal district court any suit that is (1) brought in a state court against the United States, a federal agency, a federal officer, or a person “acting under” a federal officer, such as certain private parties hired to assist federal officers, and (2) that is based on or related to any act that person undertook “under color of such office.” 28 U.S.C. § 1442(a)(1); *see also Chevron*, 146 S. Ct. at 1057.

As always, the removing party has the burden of showing federal jurisdiction. *Plaquemines III*, 103 F.4th at 333. But unlike “other removal doctrines, federal officer removal is not narrow or limited.” *Id.* To the contrary, § 1442 removals are liberally construed without a thumb in favor of remanding a case “in view of its chief purpose—

⁸ [Doc. No. 30-2, pp. 18–30].

⁹ [Id. at pp. 13–18].

to prevent federal officers who simply comply with a federal duty from being punished by a state court for doing so.” *Louisiana v. Sparks*, 978 F.2d 226, 232 (5th Cir. 1992).

To remove a case to federal court under § 1442, “a removing defendant must satisfy three requirements”: (1) “the removing defendant must be the United States, a federal agency, a federal officer, or a person acting under a federal officer, such as certain private parties hired to assist federal officers”; (2) “the suit must be for or relating to any act under color of such office”; and (3) “the removing defendant must assert a colorable federal defense.” *Chevron*, 146 S. Ct. at 1057–58. For clarity, the Court addresses the requirements for each prong later as part of its analysis.

III. Law and Analysis

The Court addresses Plaintiffs’ arguments in reverse. First, whether the removal is untimely, based on the same grounds as before, or barred by the voluntary-involuntary rule. Because if so, the analysis ends. If not, it turns to the removal test.

A. Whether Defendants’ Removal is Timely, Based on New Grounds, or Barred by the Voluntary-Involuntary Rule

First, Plaintiffs argue that this removal is untimely.¹⁰ A defendant must ordinarily file their notice of removal within 30 days after they receive “a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the” defendant is served. 28 U.S.C. § 1446(b). If, however, “the case stated by the initial pleading is not removable,” the defendant may file their notice of removal “within 30 days after” they receive an “order or other paper from which it may first be ascertained that the case is” removable. *Id.* § 1446(b)(3).

¹⁰ [Doc. No. 30-2, pp. 13, 16].

A decision in unrelated cases is generally not an order or other paper under § 1446. *See Green v. R.J. Reynolds Tobacco Co.*, 274 F.3d 263, 267–68 (5th Cir. 2001); *see also Neal v. Ameron Int’l Corp.*, 495 F. Supp. 3d 375, 389 (M.D. La. 2020). But “a decision in an unrelated case may constitute an order upon which removal can be based where the same party was a defendant in both cases, the cases involve similar factual circumstances, and the decision resolved a legal issue that has the effect of making the case removable.” *Neal*, 495 F. Supp. 3d at 389 (citing *Green*, 274 F.3d at 267–68). In *Neal*, the Middle District applied *Green* and concluded the Fifth Circuit’s then-recently-issued *Latiolais* ruling, which clarified the test for federal officer removal, is an order under § 1446(b)(3). *Id.*

Likewise, here. Defendants meet all three *Green* requirements: Chevron and Devon were defendants in both *Chevron* and these cases (same defendants check), *Chevron* and these cases involve alleged environmental harm to Louisiana’s coastal zone from the defendants oil-and-gas drilling activities (similar factual situations check),¹¹ and *Chevron* clarified the test for federal officer removal on the one prong Defendants did not previously meet (legal effect of making the case removable check). So, by meeting all three *Green* requirements, Defendants’ instant removal is permissible if it is also timely. It is. The Supreme Court issued the *Chevron* ruling on April 17, 2026. *See* 146 S. Ct. at 1052. And Defendants removed the suit to this Court on April 27, 2026,¹² which was 10 days after the Supreme Court issued *Chevron* and within the § 1446(b)(3)’s 30-day deadline. Thus, the instant removal is timely.

¹¹ [Doc. No. 1].

¹² [Id.].

Second, Plaintiffs posit that this removal has the same factual basis as before.¹³ The Fifth Circuit holds that usually, “once a case is remanded to state court, a defendant is precluded only from seeking a second removal *on the same ground*.” *S.W.S. Erectors, Inc. v. Infax, Inc.*, 72 F.3d 489, 492 (5th Cir. 1996) (collecting cases). But a defendant may file a second removal petition “when subsequent pleadings or events reveal a new and different ground for removal.” *Ashford v. Aeroframe Servs., L.L.C.*, 96 F.4th 783, 794 (5th Cir. 2024) (emphasis added). In both *S.W.S.* and *Ashford*, depositions, taken after the first remand, revealed new factual bases for removal. *See id.* The Fifth Circuit, borrowing § 1446(b)(3)’s language, explained that the new deposition transcripts “constitute[d] a new paper or event that changed the facts regarding the removableness of the case.” *Id.* As such, the new removals did not violate the general rule against successive removal on the same grounds.

Again, so too here. Defendants filed their instant removal after the Supreme Court issued *Chevron*.¹⁴ As noted above, *Chevron* is a new “order or other paper” under § 1446(b)(3). And as discussed above, *Chevron* clarified the federal officer removal test on the one prong that Defendants previously did not satisfy. So, applying *S.W.S.* and *Ashford*’s reasoning here, *Chevron* is “a new paper or event that changed the facts regarding the removableness of the case.” *Id.* Therefore, Defendants’ instant removals are not barred by the rule against successive “removal *on the same ground*.” *S.W.S.*, 72 F.3d at 492.

¹³ [Doc. No. 30-2, pp. 14–15].

¹⁴ [Doc. No. 1].

Third, Plaintiffs invoke the voluntary-involuntary rule.¹⁵ This decades-old rule holds that a case that is “non-removable on the complaint, when commenced, cannot be converted into a removable one by evidence of the defendant or by an order of the court” but only “by the voluntary amendment of his pleadings by the plaintiff.” *Gaitor v. Peninsular & Occidental S. S. Co.*, 287 F.2d 252, 254 (5th Cir. 1961). The Fifth Circuit recently extended this rule to federal officer removal and required that even removals based on an “other paper must result from the voluntary act of a *plaintiff*.” *Plaquemines Par. v. Chevron USA, Inc.*, 7 F.4th 362, 373 (5th Cir. 2021).

Here, however, both parties note Defendants are relying on the *Chevron* ruling, which is an *order or* other paper. The question, then, is whether *Gaitor*’s voluntary-involuntary rule applies to federal officer removals based on an order. Some context is needed before answering that question.

In 2011, decades after the Fifth Circuit decided *Gaitor* in 1961, Congress amended § 1446 and inserted what is currently § 1446(b)(3):

Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant . . . of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.

Federal Courts Jurisdiction and Venue Clarification Act of 2011, Pub. L. No. 112-63, § 103, 125 Stat. 758. Ordinarily, “when Congress adopts the language used in an earlier act,” courts must “presume that Congress adopted also the construction given by [the Supreme Court] to such language and made it a part of the enactment.”

¹⁵ [Doc. No. 32-1, pp. 17–18].

Georgia v. Public.Resource.Org, Inc., 590 U.S. 255, 270 (2020). That presumption, however, cannot apply to circuit court opinions for several good reasons: Congress cannot be expected to follow circuit court decisions in the same way that it would a Supreme Court decision, Congress cannot implicitly adopt one circuit’s interpretation when another circuit disagrees with or has not addressed a question, and implicitly adopting circuit court rulings encroach on the Supreme Court’s authority to issue nationwide precedents. *See* U.S. Const. art. III.

With that aside, the Court now turns to whether *Gaitor*’s atextual, albeit decades-old, voluntary-involuntary rule applies to federal officer removals based on an order. The answer: it does not apply. The Court so concludes for several reasons. For starters, Congress’ addition of “order” in § 1446(b)(3) overrules *Gaitor*’s construction that a case that is “non-removable on the complaint, when commenced, cannot be converted into a removable one . . . by an order of the court.” *Gaitor*, 287 F.2d at 254. What’s more, applying *Gaitor* to “orders” has absurd implications. It would, effectively, require a plaintiff who successfully remanded his case to state court to take a voluntary act, like an appeal, for the “order” to allow a second removal. No rational plaintiff will do so. And it is well-established that courts will not adopt a statutory construction that suggests Congress intended such absurd results. *See Ecee, Inc. v. FERC*, 611 F.2d 554, 564 (5th Cir. 1980) (collecting cases). Thus, the voluntary-involuntary rule does not bar Defendants from relying on the “order” in *Chevron* to remove these cases.

In sum, the Court concludes that the instant removal is not untimely, is not based on the same grounds as before, and is not barred by the voluntary-involuntary rule. The Court, therefore, turns to whether Chevron, Devon, or the Other Defendants meet the requirements for federal officer removal in that order.

B. Whether Chevron Meets the Federal Officer Removal Test

Recall, a defendant that seeks to remove a case to federal court under § 1442 “must satisfy three requirements”: (1) they must be “a federal officer or a person acting under a federal officer, such as certain private parties hired to assist federal officers”; (2) “the suit must be for or relating to any act under color of such office”; and (3) “the removing defendant must assert a colorable federal defense.” *Chevron*, 146 S. Ct. at 1057–58. The Court analyzes each prong in turn.

1. Whether Chevron “Acted Under” a Federal Officer

Under § 1442, private “persons, including corporations, may invoke the federal officer removal statute only if they were ‘acting under’ a federal officer,” meaning they assisted with or helped carry out “the duties or tasks of the federal superior.” *Plaquemines III*, 103 F.4th at 334. The Supreme Court construes “acting under” broadly and liberally but notes that it “is not limitless.” *Id.* The “acting under” prong requires a private party to “show that a federal officer exerted a sufficient level of subjection, guidance, or control over the private actor.” *Id.* Mere compliance with a law is insufficient to show assistance “even if the regulation is highly detailed and even if the private firm’s activities are highly supervised and monitored.” *Id.* “A private party working under a federal contract to produce an item the government needed is the archetypal case of a defendant acting under a federal officer.” *Id.*

Chevron meets that broad but not limitless test. Chevron provides plentiful contracts that their predecessors entered into with the federal government during World War II to supply the government with avgas. At the outset, the Court takes judicial notice, via the Byrnes Declaration,¹⁶ that the following companies are all corporate predecessors of Chevron:

- Amerada Petroleum Corporation (“Amerada”),
- Gulf Oil Corporation (“Gulf”),
- Pure Oil Company (“Pure”),
- Standard Oil Company of California (“SOC”),
- The Texas Company (“Texaco”), and
- Union Oil Company (“Unocal”).¹⁷

Returning to this case, Chevron provides contracts between Gulf and the Defense Services Corporation (“DSC”) and Texaco and the DSC that specify not only the quantity of avgas that the federal government will purchase from each but also specifies the size, layout, and other parameters of each Texaco’s and Gulf’s oil refinery in Port Arthur, Texas.¹⁸ These contracts provide excruciating details not only on what the government expects from each company—avgas—but also where, when, and how they produce the avgas. Chevron also provides public lists of World War II-era government contract suppliers that include Gulf and Texaco.¹⁹

¹⁶ [Doc. No. 20-1].

¹⁷ [Id. at ¶ 4].

¹⁸ [Doc. No. 38-2, pp. 388–454, 659–76].

¹⁹ [Doc. No. 34-16, pp. 164–65, 229–30].

In sum, these exhibits show that the federal government exerted significant “control” and “guidance” over Texaco’s and Gulf’s actions during World War II. Therefore, these companies acted, during World War II, in a way that aided the government’s war effort. *See Plaquemines III*, 103 F.4th at 334.

Chevron also relies on the same information to show it acted under a federal officer, in most of the related cases before this Court. In *Cameron Parish v. BEPCO*, Chevron highlights the very same (1) contract between Gulf and the DSC,²⁰ (2) contract between Texaco and the DSC,²¹ and (3) public lists of World War II-era government contract suppliers that include Gulf and Texaco.²²

Whereas in *Cameron Parish v. Bay Coquille*, Chevron mostly relies on two items, the contract between Texaco and the DSC²³ and the public list of World War II-era government contract suppliers, including Texaco,²⁴ to show they acted under a federal officer for that suit’s purposes. Chevron also provides contracts between the DSC and Texaco that list specific parameters to expand the avgas facilities at Texaco’s refineries in Lockport, Illinois, and Los Angeles, California, after which the federal government would purchase avgas from those facilities too.²⁵ Likewise in *Cameron Parish v. Brammer*, where Chevron again relies on these contracts²⁶ and the list of World War II-era government contract suppliers that includes Texaco.²⁷

²⁰ *Cameron Par. v. BEPCO*, 26-cv-1340 (W.D. La. April 27, 2026), Doc. No. 30-2 at pp. 388–454.

²¹ *Id.* Doc. No. 30-2 at pp. 659–76.

²² *Id.* Doc. No. 30-16 at pp. 164–65, 229–30.

²³ *Cameron Par. v. Bay Coquille*, 26-cv-1339 (W.D. La. April 27, 2026), Doc. No. 28-2 at pp. 659–76.

²⁴ *Id.* Doc. No. 28-16 at pp. 229–30.

²⁵ *Id.* Doc. No. 28-17 at pp. 93–109, 111–25.

²⁶ *Cameron Par. v. Brammer*, 26-cv-1349 (W.D. La. April 27, 2026), Doc. No. 25-2 at pp. 625–58, Doc. No. 25-17 at pp. 93–109, 111–25.

²⁷ *Id.* Doc. No. 25-16 at pp. 229–31.

Conversely, in *Cameron Parish v. BP America*, Chevron only submits the contract between Gulf and the DSC, with detailed guidelines to expand Gulf's Port Arthur, Texas, refinery and the quality and quantity of avgas the government would obtain from that refinery, as evidence that it acted under a federal officer during World War II.²⁸ And like they did in the above-mentioned cases, Chevron also provides the public list of World War II-era government contractors, which includes Gulf.²⁹ Finally, Chevron also proffers an invoice between Gulf and the Standard Oil Company of Louisiana for avgas components made by Gulf in Port Arthur and sent to the latter's Baton Rouge, Louisiana, refinery to be made into avgas.³⁰

In the above-mentioned cases, the contracts and other documents that Chevron provides are copies of the one it offers in this case.³¹ Since the Court finds that these exhibits are sufficient to meet the federal officer removal test's "acting under" prong in this case, the Court concludes the same for the above-mentioned cases too.

Lastly, in two suits, Chevron submits documents about World War II-era activities by two other predecessors: Pure and Unocal. In *Stutes v. BASF*, Chevron first shows a contract between Pure and the DSC where Pure agreed to make avgas for the DSC at Pure's Smith's Bluff, Texas, refinery and to produce other defense supplies at a new plant near their refinery.³² Next, Chevron provides a contract between the DSC and Unocal to make and deliver avgas at their California refinery.³³

²⁸ *Cameron Par. v. BP America*, 26-cv-1347 (W.D. La. April 27, 2026), Doc. No. 11-2 at pp. 388–454.

²⁹ *Id.* Doc. No. 11-16 at pp. 164–65.

³⁰ *Id.* Doc. No. 11-18 at p. 54.

³¹ *See supra* notes 18–30 and accompanying text.

³² *Stutes v. BASF*, 26-cv-1336 (W.D. La. April 27, 2026), Doc. No. 64-2 at pp. 566–73.

³³ *Id.* Doc. No. 64-18 at pp. 2–12.

Finally, Chevron proffers a public list of World War II-era governmental contract suppliers, which includes Unocal and Pure.³⁴

Similarly, in *Cameron Parish v. Ballard*, Chevron highlights the contract between Unocal and the DSC to expand Unocal's Wilmington, California, refinery to the DSC's specifications and then provide the DSC with avgas from the revamped facility.³⁵ Chevron also notes the public list of World War II-era federal government contractors, which names Unocal as one of the government's main partners.³⁶

Like the contracts with Texaco and Gulf, the Pure and Unocal contracts also provide meticulous details about not only the ultimate product—avgas—but also the processes and facilities that make, store, and transport it. And like Texaco and Gulf, Pure and Unocal were also publicly known as major government contractors and helpers. As such, the federal government exerted significant “control” and “guidance” over Pure and Unocal during World War II. Therefore, these companies also acted, during World War II, to aid the war effort. *See Plaquemines III*, 103 F.4th at 334.

Despite all this evidence, Plaintiffs offer three reasons why Chevron did not act under a federal officer during World War II.³⁷ None are persuasive.

First, they note that Chevron does not provide any evidence that it produced crude oil in the OA during World War II. Consequently, they argue, Chevron cannot show that it acted under a federal officer within the OA during World War II.³⁸

³⁴ *Id.* Doc. No. 64-16 at p. 273.

³⁵ *Cameron Par. v. Ballard*, 26-cv-1341 (W.D. La. April 27, 2026), Doc. No. 20-18 at pp. 1–20.

³⁶ *Id.* Doc. No. 20-16 at p. 273.

³⁷ [Doc. No. 30-2, pp. 21–26]. These arguments are the same among all related cases, so the Court addresses them only once.

³⁸ [*Id.* at p. 21].

Plaintiffs’ premise is correct, but their legal conclusion misses the mark by a long shot. Plaintiffs’ argument, as the *Plaquemines III* court noted, conflates the “acting under” and “related to” prongs. *See* 103 F.4th at 335 (“[R]equiring Defendants to show not only that they act[ed] under a federal officer, but also that they acted pursuant to federal directives when they engaged in the conduct giving rise to Plaintiffs’ suits . . . impermissibly conflates the distinct ‘acting under’ and ‘connected or associated with’ elements of the federal officer removal test.”). As such, the Court disposes of Plaintiffs’ first argument.

Second, Plaintiffs argue that Chevron’s instant removal is precluded under *Plaquemines Parish v. Chevron USA, Incorporated*, No. 22-30055, 2022 WL 9914869 (5th Cir. Oct. 17, 2022) (*Plaquemines II*).³⁹ In *Plaquemines II*, the Fifth Circuit agreed with the Eastern District of Louisiana and found that those defendants did not act under a federal officer because there was “insufficient evidence of any contract, any payment, any employer/employee relationship, or any principal/agent arrangement indicating that the [defendant] oil companies acted under a federal officer’s or agency’s directions” and because the defendants’ alternative theories on this issue were unpersuasive. *Id.* at *2. Plaintiffs argue that holding applies here since Chevron is a party in *Plaquemines II* and here, and because the facts are similar.⁴⁰ Not so. Although Chevron is in both suits, only cases from the Eastern District appealed in *Plaquemines II*. And the *Plaquemines II* court noted that those “who had federal contracts and acted pursuant to those contracts, can likely remove” under § 1442. *Id.*

³⁹ [*Id.* at p. 23].

⁴⁰ [*Id.* at p. 24].

at *4. In any event, the Fifth Circuit agreed in *Plaquemines III* that Chevron acted under a federal officer in these cases. See 103 F.4th at 334–35. Thus, *Plaquemines III* controls this case and not *Plaquemines II*. Therefore, Plaintiffs’ second basis fails too.

Finally, as a Hail Mary, Plaintiffs argue that Chevron cannot rely on their predecessors’ contracts because they cannot prove the same corporate “person” produced oil within the OA during World War II and then refined it as avgas for the government.⁴¹ Plaintiffs rely on *Galette v. New Jersey Transit Corporation*, 607 U.S. 509 (2026), to show that each corporate entity is treated separately under the law.⁴² That case, however, is easily distinguishable. *Galette* entailed whether a state-created corporation could avail itself of the state’s sovereign immunity from suits. See *id.* at 515–19. It said little-to-nothing about the liability of successor corporations for their predecessors’ acts. Moreover, Plaintiffs’ proposed reading of “persons” would create absurd consequences. Effectively, Plaintiffs can sue the modern successors of former corporations for allegedly wrongful acts taken by their predecessors, but the successor-defendants cannot avail themselves of defenses available to their predecessors because they are not the same corporate person. Plaintiffs cannot have their cake and eat it in this manner. For these reasons, the Court is not persuaded by Plaintiffs’ third argument as well.

Hence, the Court concludes that Chevron adequately shows that it acted under a federal officer, the DSC, when it refined avgas for the federal government in World War II. So the Court turns to the second prong of the federal officer removal test.

⁴¹ [Id. at p. 21 & n.59].

⁴² [Doc. No. 50, pp. 3–4 & n.4].

2. Whether Plaintiffs' Suit is Related to Chevron's WWII-era Activities Performed Under a Federal Officer

Section 1442 also requires that Plaintiffs' suit be related to activities Chevron carried out for federal officers. The Supreme Court recently clarified that the words "for or relating to" sweep "broadly." *Chevron*, 146 S. Ct. at 1060. "One thing can relate to another even if the connection is indirect." *Id.* "One thing can relate to another even if it was not specifically designed to affect it." *Id.* "And, one thing can relate to another even without a strict causal relationship." *Id.* In fact, "an act can relate to its consequences even when the causal chain includes actions by intermediaries." *Id.* at 1062. "Accordingly, a removing defendant need not show that his federal duties specifically required or strictly caused the challenged conduct." *Id.* at 1060.

"The ordinary meaning of relating to, however, is not so broad that it is meaningless." *Id.* It "requires a connection that is not tenuous, remote, or peripheral." *Id.* at 1061. "And, in this context," the "federal officer removal statute [would not be understood] to reach all suits with any attenuated connection to federal duties." *Id.* "For instance, the D. C. Circuit has held that a false-advertising suit targeting an oil company's statements to consumers about the future effects of fossil fuels on climate change did not relate to its decades-earlier production for the Government." *Id.*

This suit challenges Chevron's crude oil extraction and production within this suit's OA.⁴³ During World War II, Chevron acted under color of federal office when it refined crude oil into avgas for the federal government. So, is a suit challenging the crude oil production related to Chevron's avgas refining? It is.

⁴³ [Doc. No. 1-1, pp. 24–30].

In *Chevron*, the Supreme Court held that suit was related to Chevron's World War II-era actions taken under color of federal office. 146 S. Ct. at 1061. The Court so held based on the following findings: first, that suit challenged Chevron's crude oil production; second, crude oil is "avgas' essential feedstock"; and third, Chevron used the crude oil it produced for its own avgas refining. *Id.*

Plaintiffs do not dispute that much. But they argue that the Court should distinguish *Chevron* because here, unlike there, the same company that produced crude oil did not use it to refine avgas.⁴⁴

The Court disagrees. Plaintiff's argument properly construes *Chevron*'s holding as it applies to those parties. But the Supreme Court's reasoning for the *Chevron* decision is broader. As the majority there noted, a "thing can relate to another even if the connection is indirect." *Id.* at 1060. "One thing can relate to another even if it was not specifically designed to affect it." *Id.* "And, one thing can relate to another even without a strict causal relationship," *id.*, or "when the causal chain includes actions by intermediaries." *Id.* at 1062. Whereas Plaintiff's construction is effectively the same as Justice Jackson's in *Chevron*. *See id.* at 1063 (Jackson, J., concurring in the judgment) ("I disagree with the majority's conclusion that the federal officer removal statute's "for or relating to" language requires only an indirect relationship between the conduct targeted by the lawsuit and the asserted federal duties."). But that view only got one vote, so it is not controlling.

⁴⁴ [Doc. No. 30-2, p. 26]; [Doc. No. 50, p. 5].

Thus, even if one Chevron predecessor produced crude oil and other Chevron predecessors refined it into avgas, that satisfies the Supreme Court’s construction. This is so because even “actions taken by intermediaries”—here, avgas refining by a different predecessor than the one that produced the crude oil used to refine the avgas—are sufficient to establish that Plaintiffs suit is “related to” Chevron’s World War II-era, federally undertaken avgas refining. *See id.* at 1060.

Plaintiffs’ other argument, to the contrary, is also unpersuasive. Plaintiffs argue that the Court’s focus should be narrowed to each case’s OA.⁴⁵ To show why this distinction is important, the Court first lays out what activities Chevron’s predecessors did inside and outside each case’s OA.

Start with this case. During World War II, Chevron’s predecessor, Amerada, operated eight crude oil extraction wells and dug one earthen reserve pit within this case’s OA.⁴⁶ To access these wells and the reserve pit, Amerada dredged around a half-mile-long canal.⁴⁷ Similarly, Chevron predecessor, Pure, also dug two wells within this case’s OA during World War II.⁴⁸ And to access those wells, Pure dredged a canal almost a mile long.⁴⁹ All these canals are also within this case’s OA.

Likewise in *Stutes*. There, Chevron’s precursor, Unocal, operated three wells, two of which produced oil, during World War II within that suit’s OA.⁵⁰ To reach these wells, Unocal dredged a canal that was over two miles long within that case’s OA.⁵¹

⁴⁵ [Doc. No. 30-2, p. 20]; [Doc. No. 50, p. 5].

⁴⁶ [Doc. No. 38-37, ¶¶ 31–32 & p. 32].

⁴⁷ [Doc. No. 38-33, ¶ 38]; [Doc. No. 38-34, p. 50].

⁴⁸ [Doc. No. 38-37, ¶ 33 & p. 32].

⁴⁹ [Doc. No. 38-33, ¶ 38]; [Doc. No. 38-34, p. 50].

⁵⁰ *Stutes v. BASF*, 26-cv-1336 (W.D. La. April 27, 2026), Doc. No. 64-37 at ¶ 41 & p. 32.

⁵¹ *Id.* Doc. No. 64-33 at ¶ 39, Doc. No 64-34 at p. 52.

Thus, Chevron illustrates enough World War II-era activities inside these cases' OAs.

Not so in the remaining related cases. In fact, in all the remaining cases with Chevron (*Bay Coquille*, *BEPCO*, *Ballard*, *BP America*, and *Brammer*), Chevron's exhibits show that none of their predecessors operated wells, dug pits, or dredged canals within those cases OAs during World War II; but their precursors nevertheless performed these activities in the broader Coastal Zone at that time.⁵² In these cases, whether the Court focuses solely on a case's OA is, therefore, outcome-determinative.

Back to Plaintiffs' argument. The Court disagrees with Plaintiffs that the Court should adjust its focus to only each case's OA. Plaintiffs' own filings support this conclusion. For starters, examine Plaintiffs' complaint. True, their claims focus on actions Chevron took inside each case's OA,⁵³ but the prayer for relief requests broader relief—Plaintiffs request the Court to (1) award damages for all violations of Chevron's SCLRMA violations in the entire Coastal Zone, (2) assess costs from Chevron to restore the entire Coastal Zone to its original, pre-oil and gas activities condition, and (3) order Chevron to restore the entire Coastal Zone to its original, pre-oil and gas activities condition.⁵⁴ Again, Plaintiffs try to have their cake and eat it.

Now turn to the Rozel Report—Plaintiff's primary expert report. This report, which caused the first round of federal officer-based removals in 2018, clarifies Plaintiffs theory of liability in these cases: land/wetland loss from altered hydrology.⁵⁵

⁵² See [Doc. Nos. 38-33; 38-34; 38-37]. Identical documents in those cases highlight the same fact, so the Court relies on the documents in this case rather than re-citing the ones from all the other cases.

⁵³ [Doc. No. 1-1, pp. 24–28].

⁵⁴ [Id. at p. 36].

⁵⁵ *Cameron Par. v. Auster Oil & Gas Inc.*, 18-cv-677 (W.D. La. May 23, 2018), Doc. No. 1-1 at p. 5.

The Rozel Report explicitly states, however, that such hydrological “impacts extend beyond [each] case area boundaries.”⁵⁶ And as demonstrated by Chevron’s expert, Louis Gilbert, Plaintiffs other theory of liability—the oil and gas activities caused land loss by reactivating growth faults” through “hydrocarbon and produced water (brine) production”—also runs into the same problem.⁵⁷ Using geo-mapping, Gilbert demonstrates how these faults extend throughout Cameron and Vermilion Parishes, beyond the oil and gas fields, for millions of years.⁵⁸ Therefore, this theory too does “not respect [Plaintiff’s case-made OA] boundaries.”⁵⁹

As such, the Court concludes that for the purposes of federal officer removal, the Court can—and will—examine the broader Cameron and Vermilion Parish Coastal Zones rather than each case’s OA.

As noted above, Chevron’s predecessors engaged in several oil and gas exploration activities that created crude oil, such as drilling oil wells, creating waste pits, and dredging canals, in the Coastal Zones during World War II.⁶⁰ And Plaintiffs suit challenge these very same activities.⁶¹ Since crude oil is “avgas’ essential feedstock,” *Chevron*, 146 S. Ct. at 1061, and Chevron contracted to produce avgas for the federal government during World War II, this suit relates to actions Chevron undertook under color of federal office.

Accordingly, the Court turns to the final prong for federal officer removal.

⁵⁶ *Id.* Doc. No. 1-2 at p. 22.

⁵⁷ [Doc. No. 38-37, ¶ 43].

⁵⁸ [Id. at ¶ 50 & p. 32].

⁵⁹ [Id. at ¶ 51].

⁶⁰ *See* [Doc. Nos. 38-33; 38-34; 38-37].

⁶¹ [Doc. No. 1-1, pp. 24–28]; [Doc. No. 38, pp. 18–20].

3. Whether Chevron Asserts a Colorable Federal Defense

Having met the acting under and related to prongs, Chevron only needs to meet one more requirement before availing itself of this Court’s jurisdiction under § 1442: the colorable federal defense prong. The “colorable federal defense requirement does not come from the text of § 1442. Instead, it derives from Article III as a way of meeting ‘arising under’ jurisdiction.” *Plaquemines III*, 103 F.4th at 354 (Oldham, J., dissenting). In this sense, the colorable federal defense requirement limits § 1442 to “Article III’s limits” while ensuring § 1442 is still “broad enough to” fulfill one of its primary purposes—litigate “such defenses in the federal courts.” *Id.*

“To be ‘colorable,’ the asserted federal defense need not be clearly sustainable, as § 1442 does not require a federal official or person acting under him to win his case before he can have it removed.” *Latiolais v. Huntington Ingalls, Inc.*, 951 F.3d 286, 296 (5th Cir. 2020) (en banc). Instead, “if a defense is plausible, it is colorable.” *Id.* at 297. And an “asserted federal defense is colorable unless it is immaterial and made solely for the purpose of obtaining jurisdiction or wholly insubstantial and frivolous.” *Id.* “Simply acting as a federal employee” is not, by itself, a colorable federal defense. *Plaquemines III*, 103 F.4th at 355 (Oldham, J., dissenting). Preemption, however, is a colorable federal defense in this context. *Id.*

Federal preemption doctrine stems from Article VI of the federal Constitution, which makes the Constitution, and federal law enacted pursuant to it, the “supreme Law of the Land.” U.S. Const. art. VI, cl. 2. As such, courts may not “give effect to state laws that conflict with federal laws.” *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015) (citing *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 210 (1824)).

There are three forms of preemption: express preemption, field preemption, and conflict preemption. *Simmons v. Sabine River Auth. La.*, 732 F.3d 469, 473 (5th Cir. 2013). Chevron focuses on conflict preemption. Under that doctrine, federal law preempts state law if (1) complying with both federal and state regulations is physically impossible or (2) state law is an obstacle to accomplishing or executing the full purposes and objectives of Congress. *Boggs v. Boggs*, 520 U.S. 833, 844 (1997).

At the outset, the Court notes that the parties disagree on the scope of the colorable federal defense element. Plaintiffs argue that Chevron’s defenses *must* arise out of the “performance of [their] duties” taken while acting under federal office.⁶² Plaintiffs then argue Chevron’s asserted defenses—preemption, due process, and immunity—do not flow from the official duties it undertook while acting under a federal officer.⁶³ In support, they cite to *City & County of Honolulu v. Sunoco LP*, 39 F.4th 1101, 1110 (9th Cir. 2022). Chevron counters that Plaintiffs are trying to “tack a nexus requirement onto the colorable-federal defense element” in the same way that they “tried to,” unsuccessfully, do so for “the relating-to element.”⁶⁴

The Court finds it unnecessary to decide the scope of the colorable federal defense prong because Chevron’s asserted preemption defense flows from its official acts. The Court respectfully disagrees with the Ninth Circuit for several reasons. First, Ninth Circuit rulings are not binding, but only persuasive, on this Court.

⁶² [Doc. No. 30-2, p. 27].

⁶³ [Id. at p. 28].

⁶⁴ [Doc. No. 38, p. 22].

Second, the Ninth Circuit’s reasoning is not persuasive because it dismissed this question in a single paragraph that did not cite any authorities to back its holding. *See id.* Third, key to the Ninth Circuit’s holding was that those defendants did “not contend that the government ordered” the acts for which they sought preemption. *Id.*

Here, however, Chevron highlights that federal law barred them from, while fulfilling their federal contract work, following the state’s preferred alternatives. For instance, Plaintiffs argue that Chevron should have (1) built roads instead of canals to transport their oil with less hydrological impact, (2) built steel tanks instead of earthen pits to store waste with less likelihood of leakage, (3) used thicker steel pipes to avoid accidental discharge, and (4) utilized more eco-friendly drilling practices.⁶⁵

But federal regulations, at the time, forced all oil producers and non-government users to “curtail the use” of any steel products and instead use “wood, glass, paper,” or other practical substitutes. Steel and Other Metal Containers, 6 Fed. Reg. 5880 (Nov. 19, 1941). Similarly, the federal government, during World War II, also barred using asphalt or other road paving materials to construct new roads unless approved by the federal government and considered necessary for the war effort. *See Asphalt Products*, 7 Fed. Reg. 5142 (July 7, 1942). The federal government held likewise for road oil and prevented it from being used to pave roads as well. *See Delivery of Road Oil Prohibited*, 8 Fed. Reg. 12571 (Sept. 14, 1943). Finally—and crucially—during World War II, the federal government required oil companies to conserve any material used to produce oil unless there were no practical alternatives.

⁶⁵ [Doc. No. 38-38, pp. 8–14].

See Conservation of Production Material for the Oil Industry, 6 Fed. Reg. 6687 (Dec. 24, 1941). Moreover, the avgas contracts noted earlier in this ruling also required Chevron to do all it can to produce and proffer avgas to the federal government with utmost urgency and all other priorities coming second. Together, these regulations and contracts comprehensively cover Chevron's avgas refining-related activities—activities that Chevron, as noted above, performed under a federal officer.

Since these regulations explicitly covered Chevron's World-War II-era activities performed under a federal officer, they naturally flow from those activities. As such, Chevron may avail the preemption defense based on the above regulations. In this context, the Court concludes that Chevron makes a colorable showing that it could not comply with Plaintiff's preferred practices while also abiding by binding, and seemingly valid, federal laws. Recall, Chevron need not successfully prove their asserted defense, they only need to prove it is plausible. *See Latiolais*, 951 F.3d at 296. And they do just that. This finding, however, is not an ultimate opinion on the merits of the preemption defense. Nor does it preclude Chevron's other defenses.

Therefore, the Court concludes that Chevron also meets the federal officer test's third element.

* * *

In sum, the Court concludes that Chevron acted under a federal officer, the Defense Supplies Corporation, during World War II by way of its avgas refining contracts with the DSC. Plaintiffs' suits are related to Chevron's avgas refining under the DSC because the suit targets Chevron's World War II-era crude oil production.

And crude oil is an essential component of avgas. Finally, Chevron asserts a colorable federal defense, preemption, against Plaintiffs' claims. As such Chevron is entitled to remove their cases from state court to this Court under § 1442.

The Court's conclusion that Chevron satisfies the federal officer removal test means that the entire case is removable as to all Defendants. And ordinarily, it would compel the Court to heed that "cardinal principle of judicial restraint—if it is not necessary to decide more, it is necessary not to decide more"—and avoid analyzing Devon's arguments and those of the Other Defendants. *PDK Lab's Inc. v. U.S. Drug Enf't Admin.*, 362 F.3d 786, 799 (D.C. Cir. 2004) (Roberts, J., concurring in part and concurring in the judgment). But since there are other cases without Chevron, yet include Devon and the Other Defendants, the Court finds it best, in the interest of judicial economy, to address those arguments here—once and for all.

Accordingly, the Court turns to whether Devon's removal, on its own, satisfies the federal officer removal test.

C. Whether Devon Meets the Federal Officer Removal Test

The Court begins with the first prong of the federal officer removal test: whether Devon "acted under" federal officer. Recall, while a private party working under a federal contract is the "archetypal" case of the "acting under" element, such a contract is unnecessary if the private party can "show that a federal officer exerted a sufficient level of subjection, guidance, or control over" them. *Plaquemines III*, 103 F.4th at 334. But mere compliance with a law is insufficient to show assistance "even if the regulation is highly detailed and even if the private firm's activities are highly supervised and monitored." *Id.*

Devon proffers two theories under which it “acted under” a federal officer. In this case, Devon argues that it also “acted under” federal officers because of its World War II-era oil and gas activities.⁶⁶ While Devon raises the same arguments in *Cameron Parish v. Burlington*⁶⁷ and *Cameron Parish v. Anadarko*,⁶⁸ it also argues it “acted under” federal officers in those cases because of its work at the Rockefeller Wildlife Refuge.⁶⁹ The Court examines each theory in turn.

1. Whether Devon “Acted Under” a Federal Officer via its Oil and Gas Activities Theory

Devon’s briefs in this case and *Burlington* seemingly suggest that Devon’s predecessors, like Chevron’s predecessors, contracted with the federal government during World War II to provide the federal government with avgas.⁷⁰ But, when the Court examined those arguments in depth, it is clear that those arguments, which specify “Removing Defendants,” are focused on the oil and gas activities of Devon’s co-defendants in each case.⁷¹

What’s more, Devon’s brief in *Anadarko* clarifies this finding. There, the only suit where Devon did not jointly file an opposition with Chevron or another defendant, Devon concedes that it neither had any “direct WWII contracts with the Government,” nor can it “claim it produced [avgas] pursuant to” such contracts.⁷²

⁶⁶ See generally [Doc. No. 38].

⁶⁷ *Cameron Par. v. Burlington*, 26-cv-1335 (W.D. La. April 27, 2026), Doc. No. 31 at pp. 27–36.

⁶⁸ *Cameron Par. v. Anadarko*, 26-cv-1344 (W.D. La. April 27, 2026), Doc. No. 20 at pp. 21–27.

⁶⁹ *Id.* Doc. No. 20 at pp. 12–20; *Cameron Par. v. Burlington*, 26-cv-1335 (W.D. La. April 27, 2026), Doc. No. 31 at pp. 13–23.

⁷⁰ [Doc. No. 38, pp. 11–14]; *Cameron Par. v. Burlington*, 26-cv-1335 (W.D. La. April 27, 2026), Doc. No. 31 at pp. 27–29.

⁷¹ [Doc. No. 38, pp. 11–14]; *Cameron Par. v. Burlington*, 26-cv-1335 (W.D. La. April 27, 2026), Doc. No. 31 at pp. 27–29.

⁷² *Cameron Par. v. Anadarko*, 26-cv-1344 (W.D. La. April 27, 2026), Doc. No. 20 at pp. 21, 23.

Devon argues that because “Plaintiffs’ theory of solidarity liability treats Devon as if it” produced avgas like Chevron and Other Defendants, that is sufficient for Devon to remove the case under the “liberal construction of the ‘acting under’ element.”⁷³

The Court disagrees. While the Supreme Court construes “acting under” broadly and liberally, they have not construed it to be “limitless.” *Plaquemines III*, 103 F.4th at 334. And the removing private-party-defendant has the burden of showing either “a federal contract to produce an item the government needed” or “that a federal officer exerted a sufficient level of subjection, guidance, or control over the private actor.” *Id.* Devon provides neither and, instead, hinges their argument on Plaintiffs’ case theory. Yet no Supreme Court or Fifth Circuit authority permits this construction. Moreover, applying Devon’s proposed construction would make § 1442 limitless—something the Supreme Court has repeatedly declined to do and, therefore, this Court declines to do so as well.

Since Devon cannot show that it, independently, acted under a federal officer based on its oil and gas activities theory, the Court does not address whether Devon meets the remaining elements of the federal officer removal test. *See PDK Lab’s*, 362 F.3d at 799 (Roberts, J., concurring in part and concurring in the judgment). Instead, the Court now turns to whether Devon’s Rockefeller Wildlife Refuge theory satisfies the federal officer removal test.

2. Whether Devon “Acted Under” a Federal Officer via its Rockefeller Wildlife Refuge Theory

⁷³ *Id.* Doc. No. 20 at p. 23.

At the outset, the Court reiterates that Devon only relies on this theory to remove the *Burlington* and *Anadarko* cases.⁷⁴ Since the arguments and theories are identical, the Court analyzes the two jointly but only cites the *Anadarko* record.

Before analyzing this argument, however, a quick primer on the Rockefeller Wildlife Refuge. The Rockefeller Foundation donated the land, which is now the Rockefeller Wildlife Refuge, to Louisiana in 1920.⁷⁵ The deed required Louisiana to abide by certain conditions (the “Rockefeller Rules”).⁷⁶ Louisiana can grant mineral leases in the Rockefeller Wildlife Refuge but only as per the Rockefeller Rules.⁷⁷ If Louisiana ever violated the Rockefeller Rules, the property automatically would have returned to the Rockefeller Foundation.⁷⁸ But in 1944, the Rockefeller Foundation donated its reversionary interest to the United States Department of Interior, so the property goes to the federal government now.⁷⁹ The Louisiana Wildlife and Fisheries Commission primarily administers the Rockefeller Wildlife Refuge.⁸⁰

Relevant here, Devon highlights certain work it performed in the Rockefeller Wildlife Refuge. Specifically, Devon’s predecessors worked on the levees in the Rockefeller Wildlife Refuge.⁸¹ To do so, Devon faced some regulatory oversight by the federal government, so, they argue, they acted under a federal officer.⁸²

⁷⁴ *Id.* Doc. No. 20 at pp. 12–20; *Cameron Par. v. Burlington*, 26-cv-1335 (W.D. La. April 27, 2026), Doc. No. 31 at pp. 13–23.

⁷⁵ *Cameron Par. v. Anadarko*, 26-cv-1344 (W.D. La. April 27, 2026), Doc. No. 10-4 at ¶ 2, Doc. No. 10-5.

⁷⁶ *Id.* Doc. No. 10-4 at ¶ 2, Doc. No. 10-5.

⁷⁷ *Id.* Doc. No. 10-4 at ¶ 2, Doc. No. 10-5.

⁷⁸ *Id.* Doc. No. 10-4 at ¶ 2, Doc. No. 10-5.

⁷⁹ *Id.* Doc. No. 10-4 at ¶ 3, Doc. No. 10-6.

⁸⁰ *Id.* Doc. No. 10-4 at ¶¶ 2–6, Doc. Nos. 10-5–10-9.

⁸¹ *Id.* Doc. No. 23-1 at ¶¶ 15–16.

⁸² *Id.* Doc. No. 20 at p. 14.

The Court disagrees. Recall, mere compliance with a law is insufficient to show assistance “even if the regulation is highly detailed and even if the private firm’s activities are highly supervised and monitored.” *Plaquemines III*, 103 F.4th at 334. Rather, the removing private-party-defendant must show “that a federal officer exerted a sufficient level of subjection, guidance, or control over the private actor.” *Id.* That is not the case here. If anything, state officials exerted significant control and guidance over Devon’s work in the Rockefeller Wildlife Refuge. After all, the record shows that Devon performed these conservation and repair works for the Louisiana Wildlife and Fisheries Commission with their permission.⁸³ The federal government, through the United States Fisheries and Wildlife Service, only approved these projects as part of their regulatory scope.⁸⁴ But that alone does not establish the level of control required to show that Devon acted under them. *See id.*

To the extent that Devon argues that the state agencies acted under the federal government as the federal government’s proxy, the Court is unpersuaded.⁸⁵ It is, after all, a fundamental tenet of our federal system that the federal government may not commandeer state governments to perform tasks that the federal government wishes to pursue. *See New York v. United States*, 505 U.S. 144 (1992); *Printz v. United States*, 521 U.S. 898 (1997). Since Devon did not act under a federal officer, the Court leaves for later whether it meets the rest of the federal officer removal test. *See PDK Lab’s*, 362 F.3d at 799 (Roberts, J., concurring in part and concurring in the judgment).

⁸³ *Id.* Doc. No. 23-20 at pp. 19–24.

⁸⁴ *Id.* Doc. No. 20 at p. 14.

⁸⁵ *Id.*

As a result, the Court concludes that Devon did not “act under” a federal officer by way of its work in the Rockefeller Wildlife Refuge. And so, since neither of Devon’s proffered bases for removal are adequate, Devon cannot, independently, remove these suits under § 1442. Finally, the Court turns to the Other Defendants.

D. Whether the Other Defendants meet the Federal Officer Removal Test

Having concluded that Chevron meets the federal officer removal test and Devon does not, it would appear questionable why the Court is addressing whether, collectively, the Other Defendants satisfy the federal officer removal test. True, in this case and the above-discussed cases, answering this question would not change the outcome. But in *Cameron Parish v. Atlantic*, determining whether the Other Defendants meet the federal officer removal test is outcome-determinative. There, former defendant, Exxon Mobil Corporation and Mobil Oil Exploration & Producing Southeast Incorporated (collectively, “ExxonMobil”), removed the case⁸⁶ and filed the principal opposition to Plaintiffs’ request to remand the case.⁸⁷ But shortly thereafter, ExxonMobil settled with Plaintiffs.⁸⁸ And while the Other Defendants joined ExxonMobil’s opposition to remanding that case, they did not file their own briefs or exhibits.⁸⁹ This is similar to the Other Defendants in this case who also did not file their own briefs or exhibits but only adopted Chevron’s and Devon’s arguments.⁹⁰

⁸⁶ *Cameron Par. v. Atlantic*, 26-cv-1350 (W.D. La. April 27, 2026), Doc. No. 1.

⁸⁷ *Id.* Doc. No. 23.

⁸⁸ *Id.* Doc. Nos. 29–31.

⁸⁹ *Id.* Doc. Nos. 21–22.

⁹⁰ [Doc. Nos. 33–37, 39–45].

While courts construe the federal officer removal statute and test broadly and liberally, it is not construed limitlessly. *See Plaquemines III*, 103 F.4th at 334. Here, without any exhibits that show that the Other Defendants, or their predecessors, “acted under” a federal officer, the Court cannot assume so and allow the Other Defendants into this Court’s jurisdiction. The burden of proving federal jurisdiction is, after all, on the removing party. *Id.* at 333. Since the Other Defendants cannot prove so, the Court concludes that they, independently, cannot avail themselves of this Court’s jurisdiction under § 1442.

* * *

To summarize, the Court concludes that Chevron satisfies each element of the federal officer removal test. Whereas Devon and the Other Defendants do not satisfy the first element of the federal officer removal test, and they, therefore, cannot avail themselves of federal jurisdiction under § 1442. So, in the following cases, where Chevron is a Defendant, this Court has jurisdiction over said cases and will not remand them:

- *Stutes v. BASF*, 26-cv-1336 (W.D. La. April 27, 2026);
- *Cameron Parish v. Alpine*, 26-cv-1337 (W.D. La. April 27, 2026);
- *Cameron Parish v. Bay Coquille*, 26-cv-1339 (W.D. La. April 27, 2026);
- *Cameron Parish v. BEPCO*, 26-cv-1340 (W.D. La. April 27, 2026);
- *Cameron Parish v. Ballard*, 26-cv-1341 (W.D. La. April 27, 2026);
- *Cameron Parish v. BP America*, 26-cv-1347 (W.D. La. April 27, 2026);
- *Cameron Parish v. Brammer*, 26-cv-1349 (W.D. La. April 27, 2026).

But in the following cases, where Chevron is not a party, this Court does not have jurisdiction over said cases and will remand them:

- *Cameron Parish v. Burlington*, 26-cv-1335 (W.D. La. April 27, 2026);
- *Cameron Parish v. Anadarko*, 26-cv-1344 (W.D. La. April 27, 2026);
- *Cameron Parish v. Atlantic*, 26-cv-1350 (W.D. La. April 27, 2026).

Since the Court concludes that it must remand those three cases, it now turns to Plaintiffs' requests for costs and fees.

E. Whether the Court Should Award Plaintiffs' Attorneys' Fees and Costs

Courts may, when they remand a case back to state court, "require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal." 28 U.S.C. § 1447(c). "Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for" removal. *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 141 (2005); *see also Howard v. St. Germain*, 599 F.3d 455, 457–58 (5th Cir. 2010) (same).

Plaintiffs argue Defendants' removal based on the World War II-era avgas production theory qualifies for costs and fees under § 1447(c) because it is untimely and meritless.⁹¹ Plaintiffs likewise argue that Defendants' Rockefeller Wildlife Refuge theory-based removal also qualifies for costs and fees under § 1447(c) because it "is frivolous at best, and untimely."⁹² The Court disagrees with both.

⁹¹ [Doc. No. 30-2, p. 30].

⁹² *Cameron Par. v. Anadarko*, 26-cv-1344 (W.D. La. April 27, 2026), Doc. No. 10-2 at p. 30.

Start with Plaintiffs’ argument about Defendants’ World War II-era avgas production theory. In only one case, *Cameron Parish v. Atlantic*, did that theory fail. And that is because the removing defendant in that case, ExxonMobil, settled, leaving only the Other Defendants, who (1) did not remove the case and (2) only failed to prove federal officer removal because they merely adopted ExxonMobil’s arguments without producing their own evidence to support that argument.⁹³ In this instance, the Court finds awarding sanctions unreasonable and wholly inappropriate.

Now turn to Plaintiffs’ arguments about Devon’s Rockefeller Wildlife Refuge theory. While the Court ultimately disagrees with Devon that its conservation actions in the Rockefeller Wildlife Refuge constituted “acting under” a federal officer, that was a colorable argument. It did not sway the Court, in the end, because after intensive fact-finding, the Court determined that the federal government oversight of Devon in that context was not significant enough to meet the federal officer removal test’s “acting under” element.⁹⁴ But that argument is still “an objectively reasonable basis for” removal. *Martin*, 546 U.S. at 141; *Howard*, 599 F.3d at 457–58. Ergo, the Court does not impose costs or fees on Defendants for raising this argument either.

While the Court understands, and to some extent sympathizes with, Plaintiffs’ perceived frustration over these jurisdictional issues hampering their ability to litigate the merits of these cases, the Court’s duty, from this Nation’s founding, is only “to say what the law is.” *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

⁹³ See *supra* Part III.D.

⁹⁴ See *supra* Part III.C.2.

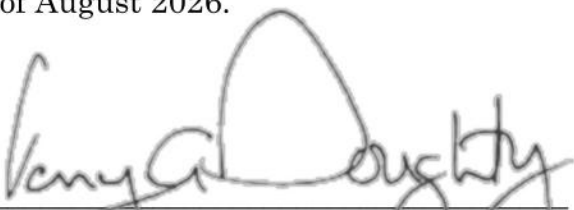
In so doing, the Court, as it should, sets aside any policy preferences or non-legal influences that underly these cases.

IV. Conclusion

For the above-stated reasons,

IT IS ORDERED that the Motion to Remand [Doc. No. 30] filed by Plaintiffs, the State of Louisiana and Cameron Parish, is **DENIED**.

MONROE, LOUISIANA, this 19th day of August 2026.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE