

19-1189 BP P.L.C. V. MAYOR AND CITY COUNCIL OF BALTIMORE

DECISION BELOW: 952 F.3d 452

LOWER COURT CASE NUMBER: 19-1644

QUESTION PRESENTED:

Section 1447(d) of Title 28 of the United States Code generally precludes appellate review of an order remanding a removed case to state court. But Section 1447(d) expressly provides that an "order remanding a case * * * removed pursuant to" the federal-officer removal statute, 28 U.S.C. 1442, or the civil-rights removal statute, 28 U.S.C.1443, "shall be reviewable by appeal or otherwise." Some courts of appeals have interpreted Section 1447(d) to permit appellate review of any issue encompassed in a district court's remand order where the removing defendant premised removal in part on the federal-officer or civil-rights removal statutes; other courts of appeals, including the Fourth Circuit in this case, have held that appellate review is limited to the federal-officer or civil rights ground for removal. The question presented is as follows:

Whether 28 U.S.C. 1447(d) permits a court of appeals to review any issue encompassed in a district court's order remanding a removed case to state court where the removing defendant premised removal in part on the federal-officer removal statute, 28 U.S.C. 1442, or the civil rights removal statute, 28 U.S.C. 1443.

JUSTICE ALITO TOOK NO PART

CERT. GRANTED 10/2/2020