

24-813 CHEVRON USA INC. V. PLAQUEMINES PARISH

DECISION BELOW: 103 F.4th 324

LOWER COURT CASE NUMBER: 23-30294, 23-30422

QUESTION PRESENTED:

This petition arises from Louisiana parishes' efforts to hold petitioners liable in state court for, *inter alia*, production of crude oil in the Louisiana coastal zone during World War II. Petitioners removed these cases from state court under 28 U.S.C. §1442 (a)(1), which as amended in 2011 provides federal jurisdiction over civil actions against "any person acting under [an] officer" of the United States "for or relating to any act under color of such office." The Fifth Circuit unanimously held that petitioners satisfy the statute's "acting under" requirement by virtue of their WWII-era contracts to supply the federal government with high-octane aviation gasoline ("avgas"). But the panel divided on the "relating to" requirement, with the two-judge majority holding that petitioners' wartime production of crude oil was "unrelated" to their contractually required refinement of that same crude into avgas because the contracts did not contain any explicit "directive pertaining to [petitioners'] oil production activities." App.38. Judge Oldham dissented, explaining that the majority's approach reinstates a variant of the "causal nexus" requirement that multiple circuits (and the U.S. Congress) have expressly rejected. The Fifth Circuit denied rehearing en banc by a vote of 7 to 6.

The questions presented are:

1. Whether a causal-nexus or contractual-direction test survives the 2011 amendment to the federal-officer removal statute.
2. Whether a federal contractor can remove to federal court when sued for oil-production activities undertaken to fulfill a federal oil-refinement contract.

CERT. GRANTED 6/16/2025