

May 26, 2010

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

JOHN MOORE,

Plaintiff - Appellant,

v.

DR. SAM JAHANI; SAM JAHANI
PERSONAL INSURANCE
COMPANY,

Defendants - Appellees.

No. 10-1207
(D.C. No. 1:10-CV-00428-ZLW)

ORDER

Before **LUCERO, HARTZ, and TYMKOVICH**, Circuit Judges.

Plaintiff John Moore, appearing *pro se*, appeals the district court's order remanding his case to Colorado state court and the order denying reconsideration. This court directed the plaintiff to show cause as to why this appeal should not be dismissed for lack of jurisdiction. The plaintiff filed a response. After considering his response and the applicable law, we dismiss this appeal.

"The authority of appellate courts to review district-court orders remanding removed cases to state court is substantially limited by statute." Powerex Corp. v. Reliant Energy Svcs., Inc., 551 U.S. 224, 229 (2007). Specifically, "[a]n order remanding a case to State court from which it was removed is not reviewable on

appeal or otherwise,” except for certain civil rights cases. 28 U.S.C. § 1447(d). This statutory section has been interpreted to preclude appellate review of remands based on defects in the removal procedure and for lack of subject matter jurisdiction. Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 711-12 (1996); Kennedy v. Lubar; 273 F.3d 1293, 1297 (10th Cir. 2001).

In this case, the district court found defects in the removal process. Specifically, the district court noted that only defendants, not plaintiffs, may remove cases from state court and that the plaintiff did not provide sufficient information in the notice of removal.

In his response to the order to show cause, the plaintiff asserted that civil rights claims were at issue. The exception allowing appellate review of remand orders in certain civil rights cases is reserved for defendants removing cases, not plaintiffs. 28 U.S.C. § 1443.

In sum, because the district court remanded for defects in the removal procedure and no exception applies, we do not have jurisdiction to review the district court’s orders. 28 U.S.C. § 1447(d); Kennedy at 1297.

Accordingly, this appeal is DISMISSED.

Entered for the Court,
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Lara Smith".

by: Lara Smith
Counsel to the Clerk