

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12833
Non-Argument Calendar

CHRISTOPHER DRUMMOND,
Plaintiff-Counter Defendant-Appellee,
versus

MOHAMMED ALSALOUSSI,
individually,
Defendant-Cross Defendant-Appellant,

775 NE 77TH TERRACE LLC,
a Florida limited liability company,
ALSALOUSSI ESTATE LLC,
a Florida limited liability company,
ALSALOUSSI HOLDINGS LLC,
a Florida limited liability company, jointly and severally,
Defendants,

LC 04 SPECIAL, LLC,
a Delaware limited liability company, et al.,
Defendants,

VELOCITY COMMERCIAL CAPITAL, LLC,

Defendant-Cross Claimant

Counter Claimant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:23-cv-21379-BB

Before WILLIAM PRYOR, Chief Judge, and JORDAN and LUCK, Circuit Judges.

PER CURIAM:

Mohammed Alsaloussi appeals the remand of this diversity action to the Florida court from which it was removed. The district court remanded the action for lack of subject-matter jurisdiction. We issued a jurisdictional question to the parties and asked them to address whether the remand order is reviewable. We ordered that jurisdictional issue to be carried with the case. We now dismiss the appeal.

We lack jurisdiction over this appeal. *See* 28 U.S.C. § 1447(d). The district court ordered the removing defendants to show cause why the action should not be dismissed for lack of subject-matter jurisdiction, allowed them an opportunity to prove facts that would establish jurisdiction, and found that they failed to satisfy their burden of proof. The district court then ruled that it lacked subject-matter jurisdiction. *See* 28 U.S.C. § 1447(c). Section 1447(d) bars our review of that ruling. *See id.* § 1447(c), (d); *New v. Sports &*

23-12833

Opinion of the Court

3

Recreation, Inc., 114 F.3d 1092, 1095-96 (11th Cir. 1997); *Kircher v. Putnam Funds Tr.*, 547 U.S. 633, 642 (2006). The district court did not *sua sponte* remand based on a procedural defect, and the removing defendants did not remove the action based on a statute that allows for appellate review of a remand order. *See* 28 U.S.C. §§ 1442 or 1443; *Corp. Mgmt. Advisors, Inc. v. Artjen Complexus, Inc.*, 561 F.3d 1294, 1296-97 (11th Cir. 2009); *Overlook Gardens Props., LLC v. ORIX USA, L.P.*, 927 F.3d 1194, 1202 (11th Cir. 2019); 28 U.S.C. § 1447(d); *BP P.L.C. v. Mayor and City Council of Baltimore*, 593 U.S. 230, 238 (2021).

We **DISMISS** this appeal for lack of jurisdiction.