

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Ashley Womack v. Rustin Wright

No. 19-40726, United States Court of Appeals for the Fifth Circuit (December 26, 2019)

SUMMARY

Fifth Circuit held that it lacked jurisdiction to review most grounds for appeal from a remand order under 28 U.S.C. § 1447(d), except for the argument that removal was proper under 28 U.S.C. § 1443. The court affirmed the district court's remand of a family law case to state court, agreeing that § 1443—which requires a basis in racial equality—did not apply. The appeal was dismissed in part for lack of jurisdiction and affirmed in part on the § 1443 issue.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	WIENER; HAYNES; COSTA
JURISDICTION	Federal
DECIDED	December 26, 2019
DOCKET	19-40726
DISPOSITION	affirmed in part; dismissed in part
PROCEDURAL POSTURE	Appeal from district court's remand order
PRECEDENTIAL VALUE	unpublished
PARTIES	Rustin P. Wright v. Ashley B. Womack

TOPICS

- civil procedure
- subject matter jurisdiction
- appellate jurisdiction
- appellate procedure

PRACTICE AREAS

- Civil Rights
- Family Law

QUESTIONS PRESENTED

- Whether the district court erred in remanding the case for lack of federal jurisdiction under 28 U.S.C. § 1443.

HOLDINGS

1. The case does not meet the standards of § 1443, which is grounded in racial equality.

KEY QUOTATIONS

“we lack jurisdiction to address any of the grounds Wright raises save and except his argument that 28 U.S.C. § 1443 provides a ground for removal.”

“we concur with the district court's analysis that this case does not meet the standards of that statute, which is grounded in racial equality.”

FACTUAL BACKGROUND

This is a family law case that was removed to federal court by defendant Rustin Wright. The district court determined it lacked subject matter jurisdiction and remanded to state court.

PROCEDURAL HISTORY

The case was originally a family law matter in state court. Defendant Wright removed to federal court under 28 U.S.C. § 1443. The district court remanded for want of federal jurisdiction. Wright appealed.

DISPOSITION

affirmed in part; dismissed in part

CASES CITED

- Dunn v. Miller, 695 F. App'x 799 (5th Cir. 2017)
- Georgia v. Rachel, 384 U.S. 780 (1966)

OPINION

PER CURIAM.

Case: 19-40726 Document: 00515248754 Page: 1 Date Filed: 12/26/2019 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT United States Court of Appeals Fifth Circuit No. 19-40726 FILED Summary Calendar December 26, 2019 Lyle W. Cayce Clerk
ASHLEY B. WOMACK, Plaintiff - Appellee v. RUSTIN P. WRIGHT, Defendant - Appellant
Appeal from the United States District Court for the Eastern District of Texas USDC No. 4:18-CV-567 Before WIENER, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:* Rustin Wright appeals the district court's order remanding this case, originally a family law case, back to the state court for want of federal jurisdiction. For starters, we note that we lack jurisdiction to address any of the grounds Wright raises save and except his argument that 28 U.S.C. § 1443 provides a ground for removal. 28 U.S.C. § 1447(d); Dunn v. Miller, 695 F. * Pursuant to 5TH CIR.

R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4. Case: 19-40726 Document: 00515248754 Page: 2 Date Filed: 12/26/2019 No. 19-40726 App'x 799, 800 (5th Cir. 2017).

Accordingly, we address only the § 1443 arguments and dismiss the remainder for want of jurisdiction. As to § 1443, we concur with the district court's analysis that this case does not meet the standards of that statute, which is grounded in racial equality. See *Georgia v. Rachel*, 384 U.S. 780 (1966); see also *Dunn*, 695 F. App'x at 800 (collecting cases).

Accordingly, we AFFIRM the district court's § 1443 determination for essentially the same reasons stated by the district court. AFFIRMED in part; DISMISSED in part. 2