

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Shelby McBride v. Housing Authority of the County of Jackson

No. 25-CV-01025-SPM (S.D. Ill. Feb. 18, 2026) · No. 25-CV-01025-SPM · Decided February 18, 2026

SUMMARY

The United States District Court for the Southern District of Illinois partially granted Shelby McBride’s second motion for attorney fees following remand under 28 U.S.C. § 1447(c). The court approved the calculation method based on a proportional share of counsel’s salary and overhead, but reduced the requested hours after identifying an arithmetic error in the time log. The court awarded \$11,325.37 in attorney fees and expenses, including fees incurred litigating the fee request.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Stephen P. McGlynn
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 18, 2026
DOCKET	25-CV-01025-SPM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney fees and expenses under 28 U.S.C. § 1447(c) after the Court remanded the improperly removed action to state court. The Court denied Plaintiff's first fee motion without prejudice, permitted a renewed motion, and granted the second motion in part.
STANDARD OF REVIEW	The Court exercised discretion under 28 U.S.C. § 1447(c) to determine the amount of just costs and actual expenses, including attorney fees, incurred as a result of removal.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- attorney fees
- costs
- civil procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. What method should be used to calculate attorney fees under 28 U.S.C. § 1447(c) when counsel works for a legal-aid organization that does not bill clients at traditional hourly rates?
2. What number of compensable hours should be used to calculate Plaintiff's award, including whether fees incurred litigating the fee motions may be recovered?

HOLDINGS

1. When counsel works for a legal-aid organization that does not bill clients like a traditional law firm, fees under § 1447(c) are properly calculated using a proportional share of the attorney's salary and related benefits plus attributable overhead costs.
2. A plaintiff seeking fees under § 1447(c) bears the burden of proving the amounts actually incurred, and the Court may tailor documentation requirements to the stakes involved.
3. Fees incurred litigating a fee request may be awarded when the opposing party acts overly aggressively or arbitrarily in contesting the fees; on the facts presented, Defendant's extensive challenges justified an award of such fees.

KEY QUOTATIONS

“Under § 1447(c), when an improperly removed case is remanded back to state court, the district court may “require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.””

“The Court may award “fees on fees,” i.e., hours over the original 31.9, in circumstances where the opposing party acts “overly aggressive” or “arbitrary” in contesting fees”

FACTUAL BACKGROUND

Plaintiff's counsel worked for Land of Lincoln Legal Aid, which does not bill clients in the manner of a traditional law firm. Plaintiff therefore calculated fees using a proportional share of counsel's salary, benefits, and overhead rather than a conventional market billing rate. The renewed fee submission claimed 55.6 hours at \$247.82 per hour, but the time records totaled only 45.7 hours and included time spent litigating the fee motions.

PROCEDURAL HISTORY

Plaintiff filed the underlying action in the Circuit Court for the First Judicial Circuit in Jackson County, Illinois. Defendant removed the action to federal court, but this Court remanded it to state court on August 6, 2025. Plaintiff timely sought attorney fees under 28 U.S.C. § 1447(c); after the first motion was denied without prejudice, she filed a second motion seeking \$13,778.87. The Court awarded \$11,325.37.

DISPOSITION

other

CASES CITED

- *Wisconsin v. Hotline Industries, Inc.*, 236 F.3d 363, 366-68 (7th Cir. 2000)
- *Garbie v. DaimlerChrysler Corp.*, 211 F.3d 407, 411 (7th Cir. 2000)
- *Morjal v. City of Chicago*, 774 F.3d 419, 422 (7th Cir. 2014)

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