

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2015

Lyle W. Cayce
Clerk

No. 15-30263
Summary Calendar

STATE OF LOUISIANA,

Plaintiff–Appellee,

v.

KELVIN WELLS,

Defendant–Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:14-CV-56

Before HIGGINBOTHAM, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Pro se appellant Kelvin Wells appeals the district court’s order remanding this matter back to the Family Court in and for the Parish of East Baton Rouge, Louisiana (the Family Court). Because Wells has not established a basis for removal under 28 U.S.C. §§ 1442 or 1443, we AFFIRM the district court and DENY as moot Wells’s motion to strike portions of the record on appeal.

* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.

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The State of Louisiana brought this action in the Family Court to obtain unpaid child support obligations from Wells. Thereafter, Wells filed a Notice of Removal in federal district court, asserting that removal was proper under 28 U.S.C. §§ 1441–1446. The district court found no basis for diversity jurisdiction or federal question jurisdiction, nor any basis for removal under §§ 1442–1446.

Section 1447(d) of Title 28 of the United States Code states that “[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise.” 28 U.S.C. § 1447(d). Because Wells removed this action pursuant to sections 1442 and 1443, we have appellate jurisdiction to review his appeal. 28 U.S.C. § 1447(d); *see Lopez v. Sentrillon Corp.*, 749 F.3d 347, 349–50 (5th Cir. 2014) (holding that the court had jurisdiction to review an order remanding a case to state court when the removal was pursuant to section 1442 or 1443).

We agree with the district court that there is no valid basis for removal under 28 U.S.C. §§ 1442 or 1443. As such, we AFFIRM the district court’s order remanding this action to the Family Court. Appellant’s motion to strike portions of the record on appeal is accordingly DENIED as moot.