

IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF ALABAMA  
 EASTERN DIVISION

CITY OF PHENIX CITY,	)	
ALABAMA, PHENIX CITY RED	)	
LIGHT SAFETY PROGRAM , <i>et</i>	)	
<i>al.</i> ,	)	
	)	CASE NO. 3:15-CV-748-WKW
Plaintiffs,	)	[WO]
	)	
v.	)	
	)	
JERRY PAUL CARROLL,	)	
	)	
Defendants.	)	

**ORDER**

Before the court is Defendant Jerry Paul Carroll’s motion for a stay of remand. (Doc. # 38.) Defendant seeks a stay pending his anticipated appeal of the April 5, 2016 order of remand. (Doc. # 37.)

With some exceptions not applicable in this case, “[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise.” 28 U.S.C. § 1447(d); *Harris v. Blue Cross/Blue Shield of Alabama, Inc.*, 951 F.2d 325, 330 (11th Cir. 1992). The case Defendant cites in support of his motion, *Dalton v. Walgreen Co.*, No. 4:13 CV 603 RWS, 2013 WL 2367837 (E.D. Mo. May 29, 2013), which is not binding precedent, is inapplicable. In *Dalton*, the usual rule that “an order remanding a case to state court is generally not reviewable on appeal” did not apply because *Dalton* (unlike the present case)

was removed pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. §§ 1332(d), 1446, 1453. *Dalton*, 2013 WL 2367837 at \*1. CAFA contains an express exception to § 1447(d)’s prohibition on appeals from remand orders. *Dalton*, 2013 WL 2367837 at \*1; 28 U.S.C. § 1453(c)(1). Other exceptions to the nonappealability rule of § 1447(d), which allow for appeal of remand orders in cases removed pursuant to 28 U.S.C. §§ 1441 and 1443, are also inapplicable here. 28 U.S.C. § 1447(d).

Accordingly, it is ORDERED that Defendant Jerry Paul Carroll’s motion for a stay of remand (Doc. # 38) is DENIED.

DONE this 12th day of April, 2016.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE