

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**NICK LOEB, HUMAN EMBRYO  
#3 HB-A, AND HUMAN EMBRYO  
#4 HB-A**

**CIVIL ACTION**

**VERSUS**

**NO. 18-3165**

**SOFIA VERGARA**

**SECTION "S" (1)**

**ORDER AND REASONS**

**IT IS HEREBY ORDERED** that Defendant's Motion for Reconsideration of this Court's Remand Order (Doc. #45) is **DENIED**.

This matter is before the court on defendant's motion to reconsider this court's May 18, 2018, Order and Reason's remanding this this matter to the 25th Judicial District Court, Parish of Plaquemines, State of Louisiana. On June 14, 2018, this court denied defendant's motion to stay the remand order pending defendant's motion to reconsider and appeal. Doc. #44. This court held that a stay was not warranted because, pursuant to 28 U.S.C. § 1447(d), the May 18, 2018, Order and Reasons is not reviewable on appeal or otherwise as the court clearly concluded that there was no subject matter jurisdiction and remanded the matter pursuant to §1447(c). Id. Section 1447(d) "has been universally construed to preclude not only appellate review but also reconsideration by the district court." Bender v. Mazda Motor Corp., 657 F.3d 1200, 1203 (11th Cir. 2011) (quoting Seedman v. U .S. Dist. Court for the Cent. Dist. of Cal., 837 F.2d 413, 414 (9th Cir.1988)); see also New Orleans Public Serv., Inc. v. Majoue, 802 F.2d 166, 167 (5th Cir.1986) (holding that a district court is divested of jurisdiction to vacate or reconsider a remand order pursuant to § 1447(d)). Because the May 18, 2018, Order and Reasons is not reviewable, defendant's motion to reconsider the remand order is **DENIED**.

New Orleans, Louisiana, this 11th day of July, 2018.

A handwritten signature in black ink, reading "Mary Ann Vial Lemmon". The signature is written in a cursive style with a horizontal line underneath it.

**MARY ANN VIAL LEMMON  
UNITED STATES DISTRICT JUDGE**