

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FREDERICK SOMERVILLE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:17-CV-1307 RLW
)	
JANSSEN PHARMACEUTICALS, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ Motion to Reconsider [ECF No. 23]. Plaintiffs have filed a response in opposition to Defendants’ motion. Defendants have not submitted a reply brief, and the time for doing so has expired. For the reasons set forth below, Defendants’ Motion to Reconsider is denied.

On November 28, 2017, this Court remanded Plaintiffs’ cause of action to the Circuit Court for the Twenty-Second Judicial Circuit, City of St. Louis, State of Missouri for lack of subject matter jurisdiction. [ECF No. 22] The same day, the Clerk of the Court mailed a copy of the Order to the City of St. Louis Circuit Court. (*See* Notation, ECF No. 21.) On December 1, 2017, Defendants filed a Motion to Reconsider, arguing that there is no basis in law or fact for personal jurisdiction over the out-of-state Plaintiffs. In response, Plaintiffs assert that 28 U.S.C. § 1447(d) bars reconsideration of an order granting a motion to remand.

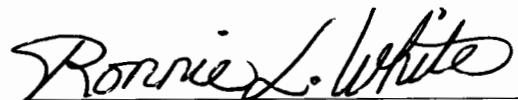
Under 28 U.S.C. § 1447, “[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise” 28 U.S.C. § 1447(d). “This language has been universally construed to preclude not only appellate review but also reconsideration by the district court.” *Shapiro v. Logistec USA, Inc.*, 412 F.3d 307, 311 (2d Cir.

2005) (citation and internal quotation omitted). Courts within the Eighth Circuit have held that pursuant to the language of § 1447(d), a district court lacks jurisdiction to reconsider orders of remand. *New Century Health Quality All., Inc. v. Blue Cross & Blue Cross & Blue Shield of Kansas City, Inc.*, No. 05-0555-CV-W-SOW, 2005 WL 2319845, at *2 (W.D. Mo. Sept. 20, 2005); *see also Peace v. Time Ins. Co.*, No. 09-0071-CV-W-FJG, 2009 WL 1140181, at *1 (W.D. Mo. Apr. 28, 2009) (“Therefore, the Court finds it no longer has jurisdiction over this matter, and has no authority to consider Defendant’s Motion to Reconsider.”). Thus, the Court will deny Defendants’ Motion to Reconsider the Order of Remand of November 28, 2017.

Accordingly,

IT IS HEREBY ORDERED that Defendants’ Motion to Reconsider [ECF No. 23] is **DENIED**.

Dated this 3rd day of January, 2018.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE