

## Appendix A

**DLD-058**

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **23-2909**

MARY L. MURSE

VS.

CHARLES R. MURSE, JR., Appellant

(E.D. Pa. Civ. No. 5:23-cv-03448)

Present: JORDAN, PORTER, and PHIPPS, Circuit Judges

Submitted by the Clerk for possible dismissal due to a jurisdictional defect  
in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant seeks to appeal the District Court's order remanding an action he sought to remove from state court. However, subject to exceptions that are not applicable here, "[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). "[R]emands based on grounds specified in § 1447(c) are immune from review under § 1447(d)." Things Remembered, Inc. v. Petrarca, 516 U.S. 124, 127 (1995). As relevant here, § 1447(c) provides that "[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded." Because the District Court's remand order was "based upon a lack of subject matter jurisdiction," see A.S. ex rel. Miller v. SmithKline

Beecham Corp., 769 F.3d 204, 209 (3d Cir. 2014), this Court lacks jurisdiction to review it, see Cook v. Wikler, 320 F.3d 431, 439 (3d Cir. 2003).

By the Court,

s/ Kent A. Jordan  
Circuit Judge



A True Copy:

*Patricia A. Dodszeit*

Patricia S. Dodszeit, Clerk  
Certified Order Issued in Lieu of Mandate

Dated: February 12, 2024  
PDB/KR/cc: Charles R. Murse, Jr.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

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SUR PETITION FOR REHEARING

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Present: CHAGARES, Chief Judge, JORDAN, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, and CHUNG, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is DENIED.

BY THE COURT

s/ Kent A. Jordan  
Circuit Judge

DATED: March 8, 2024

kr/cc: Charles R. Murse, Jr.