

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 13 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

COOPER TRUST DTD 10-05-2000, by its
Trustee Letitia M. Cooper, an individual,

Plaintiff-Appellee,

v.

JOHN L. PARMIGIANI,

Defendant-Appellant.

No. 17-55939

D.C. No.

2:17-cv-04379-PA-AGR

Central District of California,

Los Angeles

ORDER

A review of the record suggests that this court may lack jurisdiction over the appeal because an order remanding a removed action to state court for a defect in removal procedure is not reviewable “on appeal or otherwise” under 28 U.S.C. § 1447(d). *See* 28 U.S.C. § 1447(d); *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 127 (1995); *Atlantic Nat. Trust, LLC v. Mt. Hawley Ins. Co.*, 621 F.3d 931, 932 & 934 (9th Cir. 2010) (holding that the court lacks “appellate jurisdiction to review a federal district court order remanding a case to state court based on a ground colorably characterized as a ‘defect’ for purposes of 28 U.S.C. § 1447(c)”).

Within 21 days after the date of this order, appellant shall move for voluntary dismissal of this appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellant elects to show cause, a response may be filed within 10 days after service of the memorandum.

If appellant does not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Taylor
Deputy Clerk
Ninth Circuit Rule 27-7