

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 01-11863  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPT 03 2003 THOMAS K. KAHN CLERK
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D. C. Docket No. 00-01457-CV-2

MARIE ANDERSON,  
ALVESTER BRAFORT, et al.,

Plaintiffs-Appellants,

versus

H&R BLOCK, INC.,  
BENEFICIAL NATIONAL BANK, et al.,

Defendants-Appellees.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Alabama

\_\_\_\_\_  
**(September 3, 2003)**

**ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES**

Before TJOFLAT, BARKETT and WILSON, Circuit Judges.

PER CURIAM:

On June 2, 2003, the United States Supreme Court reversed our decision in this matter, holding that “an action filed in a state court to recover damages from a national bank for allegedly charging excessive interest in violation of both ‘the

common law usury doctrine' and an Alabama usury statute may be removed to a federal court because it actually arises under federal law." *Beneficial Nat'l Bank v. Anderson*, \_\_\_ U.S. \_\_\_, 123 S. Ct. 2058 (2003). In light of the Supreme Court's holding, we AFFIRM and REMAND this case to the district court for further proceedings consistent with this opinion.