

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13491

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE UNDER THE POOLING AND,
SERVICING AGREEMENT DATED AS OF,
APRIL 1, 2002, MORGAN STANLEY DEAN,
WITTER CAPITAL I INC TRUST 2002-NC2,

Plaintiff-Appellee,

versus

DAVID WARREN GALVIN, JR.,
Husband and Wife et al.,
SUSAN E. GALVIN,

Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 3:24-cv-00361-TKW-ZCB

Before BRANCH, LAGOA, and ABUDU, Circuit Judges.

BY THE COURT:

David Warren Galvin, Jr., and Susan Elizabeth Galvin, proceeding *pro se*, appeal from the district court's September 26, 2024, order remanding their case to Florida state court. U.S. Bank National Association filed a motion to dismiss.

We would ordinarily lack jurisdiction to review the district court's remand order because it was based on a timely remand motion and lack of subject matter jurisdiction. *See* 28 U.S.C. § 1447(c), (d); *MSP Recovery Claims, Series LLC v. Hanover Ins. Co.*, 995 F.3d 1289, 1294 (11th Cir. 2021). However, liberally construed, the Galvins' notice of removal invokes 28 U.S.C. § 1443, which allows for removal when a person is "denied or cannot enforce" their civil rights in state court, which means we can review the remand order. *See* 28 U.S.C. §§ 1443, 1447(d); *Carmichael v. United States*, 966 F.3d 1250, 1258 (11th Cir. 2020); *BP P.L.C. v. Mayor of Balt.*, 141 S. Ct. 1532, 1538 (2021).

Accordingly, U.S. Bank's motion to dismiss is DENIED and this appeal may proceed.