

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-12281

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HSBC BANK USA, NATIONAL ASSOCIATION,  
as Trustee for the Certificateholders of the  
MLMI Trust, Mortgage Loan Asset-Backed  
Certificates, Series 2006-AF1,

*Plaintiff-Appellee,*

*versus*

KENNETH ELSMAN,

*Defendant-Appellant,*

CYNTHIA PALACIOS, et al.,

*Defendants.*

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 3:24-cv-01290-HES-LLL

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Before ROSENBAUM, NEWSOM, AND BRASHER, Circuit Judges.

BY THE COURT:

Appellee filed a foreclosure action in state court against Appellant and other defendants. Appellant, pro se, removed the action, and Appellee filed a motion to remand based on defects in the removal procedure. On May 14, 2025, the district court granted the motion to remand and, on June 11, 2025, entered an order denying Appellant's motion to reconsider the remand. Appellant filed a notice of appeal designating both orders.

Appellee filed a motion to dismiss the appeal for lack of jurisdiction. We conclude that we lack jurisdiction over the May 14 remand order, because the court granted a timely motion to remand based on defects in the removal procedure, and because Appellant did not remove the action under 28 U.S.C. §§ 1442 or 1443. See 28 U.S.C. §§ 1447(d), 1442, 1443; *Whole Health Chiropractic & Wellness, Inc. v. Humana Med. Plan, Inc.*, 254 F.3d 1317, 1319 (11th Cir. 2001). Accordingly, Appellee's motion to dismiss the appeal is GRANTED IN PART as to the May 14 remand order.

We CARRY WITH THE CASE the issue of whether we have jurisdiction to review the district court's June 11 order denying Appellant's motion for reconsideration. A final determination regarding jurisdiction will be made by the merits panel to whom this case is submitted.