

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13317
Non-Argument Calendar

CYNTHIA SANDERS-BEY,
FARRAND CLARKE-EL,

Plaintiffs-Appellants,

versus

HSBC BANK USA, NATIONAL ASSOCIATION,
IVY TAUB,
WENDY MANSWELL,
JACQUELINE MICHAELSON,
NEWREZ/PHH MORTGAGE COMPANY,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:25-cv-23547-CMA

Before BRANCH, LUCK, and ABUDU, Circuit Judges.

PER CURIAM:

Cynthia Sanders-Bey and Farrand Clarke-El, pro se, appeal from the district court's September 18, 2025, order remanding the case to state court. After HSBC Bank USA, National Association ("HSBC") filed a foreclosure action in state court, appellants filed, in the district court, a notice of removal of that state court action. The notice of removal was attached to a complaint listing appellants as plaintiffs and naming as defendants HSBC, Ivy Taub, Wendy Manswell, Jacqueline Michaelson, and Newrez/PHH Mortgage Company ("Newrez"). HSBC, Taub, Manswell, Michaelson, and Newrez all timely moved to remand the case to state court, all arguing, inter alia, that the removal was untimely. In its September 18 order, the district court granted the motions, dismissed appellants' complaint for lack of subject matter jurisdiction, and remanded the case to state court.

We issued a jurisdictional question asking the parties to address whether we have jurisdiction to review the September 18 order. HSBC, Newrez, and Michaelson respond that we lack jurisdiction because 28 U.S.C. § 1447(d) bars review of the order. Taub and Manswell also respond that § 1447(d) bars our review. Appellants argue that we have jurisdiction to review the order under the *Waco*¹ doctrine.

We generally lack jurisdiction to review a district court's order remanding a case to the state court from which it was removed.

¹ See *City of Waco v. U.S. Fid. & Guar. Co.*, 293 U.S. 140 (1934).

See 28 U.S.C. § 1447(d). Remand orders for which review is barred are those in which the remand is based upon grounds in 28 U.S.C. § 1447(c)—if the remand is not based on the grounds specified in that subsection, then § 1447(d)’s bar does not apply. *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 346 (1976), *abrogated on other grounds by Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 714-15 (1996). Section 1447(c) remands are remands based on (1) lack of subject matter jurisdiction, or (2) a motion to remand that is filed within 30 days of the notice of removal that is based on a defect in the removal procedure. *Whole Health Chiropractic & Wellness, Inc. v. Humana Med. Plan, Inc.*, 254 F.3d 1317, 1319 (11th Cir. 2001). Procedural defects in removal include the untimeliness of the notice of removal. *Moore v. N. Am. Sports, Inc.*, 623 F.3d 1325, 1329 (11th Cir. 2010).

When a case is removed pursuant to 28 U.S.C. §§ 1442 or 1443, we may review the remand order, even if review would have otherwise been barred by § 1447(d). 28 U.S.C. § 1447(d); *BP P.L.C. v. Mayor of Balt.*, 593 U.S. 230, 238-39 (2021). “To remove a case pursuant to § 1442 or § 1443 . . . means that a defendant’s notice of removal must assert the case is removable in accordance with or by reason of one of those provisions.” *Mayor of Balt.*, 593 U.S. at 238 (quotation marks omitted).

Under the *Waco* doctrine, we may review orders “that lead to, but are separate from, orders of remand and have a conclusive effect upon the ensuing state court action.” *Aquamar S.A. v. Del Monte Fresh Produce N.A.*, 179 F.3d 1279, 1286 (11th Cir. 1999).

We lack jurisdiction over this appeal. Appellees are correct that § 1447(d) bars review of the September 18 order, because that order granted timely motions to remand the case to state court in which appellees argued that the notice of removal was untimely. *See* 28 U.S.C. § 1447(c)-(d); *Thermtron*, 423 U.S. at 346; *Whole Health*, 254 F.3d at 1319; *Moore*, 623 F.3d at 1329. Further, appellants’ notice of removal did not assert that the case was being removed under § 1442 or § 1443. *See Mayor of Balt.*, 593 U.S. at 238-39. Finally, the *Waco* doctrine does not allow review of the portion of the September 18 order dismissing appellants’ complaint, as that ruling did not lead to the remand and does not have a “conclusive effect” upon the state court action. *See Aquamar*, 179 F.3d at 1286.

Accordingly, this appeal is DISMISSED for lack of jurisdiction.