

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 11 2015

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

SHIREE SEEDS; CAROL PAVIAN;
JOHN SEEDS,

Plaintiffs - Appellees,

v.

ERA ALASKA, a partnership of ERA
Aviation, Inc., Frontier Flying Service,
Inc., Hageland Aviation Services, Inc.;
NICHOLAS L. STONE,

Defendants,

v.

HAGELAND AVIATION SERVICES,
INC.,

Defendant-third-party-
plaintiff - Appellant,

v.

STATE OF ALASKA, Department of
Transportation,

Third-party-defendant.

No. 13-36113

D.C. No. 4:13-cv-00023-RRB

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

[REDACTED]

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, Chief District Judge, Presiding

Argued and Submitted May 12, 2015
Anchorage, Alaska

Before: CANBY, BYBEE, and WATFORD, Circuit Judges.

Hageland Aviation Services, Inc. appeals the district court’s decision remanding the case to state court for lack of federal subject matter jurisdiction. A district court’s remand order is reviewable on appeal only if the case “was removed pursuant to [28 U.S.C.] section 1442 or 1443.” 28 U.S.C. § 1447(d). Here, however, the notice of removal sought removal of the case under 28 U.S.C. § 1441. Although Hageland’s opposition to the motion to remand did raise federal officer removal jurisdiction under 28 U.S.C. § 1442(a)(1) as an additional ground for removal, its attempt to do so was untimely because more than 30 days had passed since Hageland was served with the complaint. *See ARCO Env’tl. Remediation, L.L.C. v. Dep’t of Health & Env’tl. Quality*, 213 F.3d 1108, 1117 (9th Cir. 2000) (“The Notice of Removal ‘cannot be amended to add a separate basis for removal jurisdiction after [28 U.S.C. § 1446(b)’s] thirty day period.’” (quoting *O’Halloran*

v. Univ. of Wash., 856 F.2d 1375, 1381 (9th Cir. 1988)). Accordingly, the appeal is

DISMISSED.¹

¹Appellees' Motion for Judicial Notice of Jurisdictional Fact, filed July 17, 2014, is DENIED AS MOOT.