

at end, was executed by adding this section at the end of chapter 87 of this title to reflect the probable intent of Congress.

#### EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

### CHAPTER 89—DISTRICT COURTS; REMOVAL OF CASES FROM STATE COURTS

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#### AMENDMENTS

2011—Pub. L. 112-63, title I, § 103(d)(1), Dec. 7, 2011, 125 Stat. 762, substituted “Removal of civil actions” for “Actions removable generally” in item 1441, inserted “of civil actions” after “removal” in item 1446, and added item 1455.

Pub. L. 112-29, § 19(c)(2), Sept. 16, 2011, 125 Stat. 332, added item 1454.

2005—Pub. L. 109-2, § 5(b), Feb. 18, 2005, 119 Stat. 13, added item 1453.

1996—Pub. L. 104-317, title II, § 206(b), Oct. 19, 1996, 110 Stat. 3850, inserted “and agencies” after “officers” in item 1442.

1984—Pub. L. 98-353, title I, § 103(b), July 10, 1984, 98 Stat. 335, added item 1452.

1970—Pub. L. 91-358, title I, § 172(d)(2), July 29, 1970, 84 Stat. 591, added item 1451.

1958—Pub. L. 85-554, § 5(b), July 25, 1958, 72 Stat. 416, substituted “Nonremovable actions” for “Carriers; non-removable actions” in item 1445.

1956—Act Aug. 10, 1956, ch. 1041, § 19(b), 70A Stat. 627, added item 1442a.

#### § 1441. Removal of civil actions

(a) **GENERALLY.**—Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

(b) **REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.**—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

(2) A civil action otherwise removable solely on the basis of the jurisdiction under section

1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

(c) **JOINER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.**—(1) If a civil action includes—

(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute,

the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).

(d) **ACTIONS AGAINST FOREIGN STATES.**—Any civil action brought in a State court against a foreign state as defined in section 1603(a) of this title may be removed by the foreign state to the district court of the United States for the district and division embracing the place where such action is pending. Upon removal the action shall be tried by the court without jury. Where removal is based upon this subsection, the time limitations of section 1446(b) of this chapter may be enlarged at any time for cause shown.

(e) **MULTIPARTY, MULTIFORUM JURISDICTION.**—

(1) Notwithstanding the provisions of subsection (b) of this section, a defendant in a civil action in a State court may remove the action to the district court of the United States for the district and division embracing the place where the action is pending if—

(A) the action could have been brought in a United States district court under section 1369 of this title; or

(B) the defendant is a party to an action which is or could have been brought, in whole or in part, under section 1369 in a United States district court and arises from the same accident as the action in State court, even if the action to be removed could not have been brought in a district court as an original matter.

The removal of an action under this subsection shall be made in accordance with section 1446 of this title, except that a notice of removal may also be filed before trial of the action in State court within 30 days after the date on which the defendant first becomes a party to an action under section 1369 in a United States district court that arises from the same accident as the action in State court, or at a later time with leave of the district court.

(2) Whenever an action is removed under this subsection and the district court to which it is removed or transferred under section 1407(j)<sup>1</sup> has

<sup>1</sup> So in original. Does not conform to section catchline.

<sup>1</sup> So in original. Section 1407 of this title does not contain a subsec. (j).