

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 13, 2018

Lyle W. Cayce
Clerk

No. 16-51446
Summary Calendar

STUART MCMULLEN,

Plaintiff - Appellant

v.

DEANNA CAIN, also known as Deanna McMullen Cain, also known as
Deanna Michelle McMullen, also known as Deanna Michelle Cain,

Defendant - Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:16-CV-716

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Stuart McMullen removed this case from Texas state court to federal district court as a purported civil rights case under 28 U.S.C. § 1443(1). The district court remanded the case to state court, concluding that it lacked subject matter jurisdiction. McMullen appeals.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 16-51446

The Supreme Court has held that, for removal under § 1443(1) to be appropriate, “it must appear that the right allegedly denied the removal petitioner arises under a federal law ‘providing for specific civil rights stated in terms of racial equality.’” *Johnson v. Mississippi*, 421 U.S. 213, 219 (1975) (quoting *Georgia v. Rachel*, 384 U.S. 780, 792 (1966)). As McMullen concedes, his claims in this case do not arise under a federal law pertaining specifically to racial equality, yet he asks that we disregard the Supreme Court’s construction of § 1443(1) as error. This we cannot do.

AFFIRMED.