

# United States Court of Appeals for the Fifth Circuit

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No. 24-10383  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 7, 2025

Lyle W. Cayce  
Clerk

JARROD MARTIN,

*Plaintiff—Appellant,*

*versus*

195TH JUDICIAL DISTRICT COURT CRIMINAL DISTRICT COURT  
No. 2,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:24-CV-645

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Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:\*

Jarrold Martin, a pretrial detainee awaiting trial in Dallas, Texas, attempted to remove his criminal proceedings from state court to federal court under 28 U.S.C. § 1443. In his removal petition, he alleges the state court held pretrial proceedings outside his presence in violation of the Texas Rules of Criminal Procedure and the Fourteenth Amendment. The district

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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court remanded the matter, finding that Martin failed to allege a violation of federal law protecting against racial discrimination, which is required for removal under § 1443. Martin appeals that determination.

We conclude that we have appellate jurisdiction to decide this issue,<sup>1</sup> but we AFFIRM the district court’s order remanding the matter to state court, as Martin failed to allege a violation of federal law pertaining to racial equity. *See Georgia v. Rachel*, 384 U.S. 780, 791 (1966).

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<sup>1</sup> Compare *Texas v. Gulf Water Benefaction Co.*, 679 F.2d 85, 86 (5th Cir. 1982) (affirming remand on the merits when the removal petition “merely complain[ed] in a conclusory way of deprivations of certain . . . non-race-related civil rights”), and *Williams v. Nichols*, 464 F.2d 563, 564 (5th Cir. 1972) (per curiam) (same), with *Flitsch v. Guardino*, No. 22-20247, 2023 WL 4015125, at \*1 (5th Cir. June 13, 2023) (per curiam) (“We have repeatedly held that when a defendant’s attempted removal lacks even the barest connection with the requirements of § 1443, merely invoking that provision does not supply jurisdiction to view a remand order.”), and *Easley v. Easley*, 62 F.3d 392, 1995 WL 449817, at \*1 (5th Cir. June 28, 1995) (per curiam) (holding no appellate jurisdiction when defendant “fail[ed] to mention racial equality at all”).