Supreme Court Expansively Construes Removal Basis for State Suits Under Federal Officer Removal Statute

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***Chevron USA Inc. v. Plaquemines Par., Louisiana*, 608 U.S. ___ (April 17, 2026)**

In *Chevron USA Inc. v. Plaquemines Parish, Louisiana*, the U.S. Supreme Court expansively construed the federal officer removal statute's "relating to" language. This broader reading allows for federal removal of state-court suits where defendants' targeted actions have a "close relationship" to the performance of federal duties, rather than requiring the stricter standard of an explicit governmental directive standard governing activities under federal contracts.

Federal Officer Removal Statute and Procedural Background

28 U.S.C. §1442(a)(1), the federal officer removal statute, authorizes removal of state-court suits against federal officers or persons "acting under" them "for or relating to any act under color of such office." The *Chevron* case focused on the "relating to" language.

The underlying dispute involved the attempt by a group of oil-and-gas companies (led by Chevron) to remove to federal court a Louisiana civil action alleging noncompliance with or violations of a Louisiana state coastal resources management statute. The main premise of Chevron's removal request was that the companies produced aviation gasoline in two Louisiana fields under federal contracts for the World War II effort. Chevron refined 4,000 barrels of crude oil per day from the fields during the war, even though its (and others') contracts did not specify how to acquire crude oil.

The federal district court rejected the attempts to remove the state-court suit to federal court. The U.S. Court of Appeals for the

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Fifth Circuit agreed that Chevron had acted under the aegis of federal officers, but it found that the challenged activities did not relate to the performance of Chevron's federal refining contract because the contract did not contain precise specification directives.

Supreme Court's Unanimous Judgment and Concurring Opinion

The U.S. Supreme Court reversed, holding that the Fifth Circuit had construed the "relating to" language too narrowly by the Fifth Circuit.

Writing for the majority, Justice Thomas — joined by six other Justices (with Justice Alito recused) and subject to a separate concurring opinion by Justice Jackson, who joined only in the majority's judgment — held that the "relating to" language under the federal officer removal statute was expansive in nature and subject to an ordinary-meaning construction. Defendants' federal contracts and post-World War II production activities had a sufficiently "close relationship" to federal duties, which did not need to be hinged more narrowly to specific contractual directives in the federal contracts or to using intermediaries not under direct federal control.

In a concurring opinion, Justice Jackson articulated a more direct causal nexus test between the targeted actions and federal duties, but she agreed that defendants met that stricter test for removal. However, Justice Jackson did diverge by saying she would have proceeded under a legislative-intent test, as opposed to an ordinary-meaning construction, of the statute.

Key Takeaways

- **Different "relating to" tests, same result:** Even though the majority's "close relationship" test and Justice Jackson's "causal nexus" tests did differ, their application produced the same conclusion. But, unlike the majority's "close relationship" test, Justice Jackson's "causal nexus" test is not binding precedent because she joined the majority only in the

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judgment and her concurrence was not joined by other justices.

- **Avoiding "hometown" state court bias:** Energy providers and other contractors for the federal government will now be able to avoid any perceived or real "hometown" state court interference with federal government operations by having the option to remove to federal court.
- **Differences in statutory interpretation approaches:** The opinion highlights the divergence in thinking among Supreme Court justices on the issue of statutory interpretation. Justice Thomas favors ordinary/plain meaning interpretation, while Justice Jackson articulated that congressional intent had to be examined when construing the federal officer removal statute.
- **False advertising limitation:** Even under the broad "close relationship" test, Justice Thomas — citing an earlier D.C. circuit case — reasoned that false advertising statements to consumers about the future effects of fossil fuels on climate change by an oil company would "not relate to its decades-earlier production for the Government."
- **Impact on wartime production activities:** This opinion likely allows removal for suits relating to activities by producers and contractors during wartime production efforts, even if the suits involve state or local laws.

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