

GIBSON DUNN



Appellate and Constitutional Law Update

April 20, 2026

Supreme Court Widens Federal Officer Removal Path In Louisiana Coastal Case

Chevron USA Inc. v. Plaquemines Parish, Louisiana, No. 24-813 – Decided April 17, 2026

On April 17, the Supreme Court held that Chevron satisfied a key requirement to remove a coastal-damage suit to federal court because the suit had a non-tenuous relationship to its performance of World War II aviation fuel contracts with the federal government.

“[A] removing defendant need not show that his federal duties specifically required or strictly caused the challenged conduct.”

JUSTICE THOMAS, WRITING FOR THE COURT

Background:

Beginning in 2013, Louisiana’s coastal parishes brought numerous suits in state court against oil and gas companies under the state’s coastal-management statute. That statute generally requires a permit to drill in Louisiana’s coastal zone but exempts uses lawfully commenced before 1980. The parishes allege that certain pre-1980 operations were illegally commenced and so fall outside the exemption. This suit targets Chevron’s oil-production practices in an area

where the company drilled during World War II.

Chevron removed the case to federal court under 28 U.S.C. § 1442(a)(1), which permits the removal of cases against the “United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof . . . for or relating to any act under color of such office.” The company argued that because its oil-production practices related to its contractual duties to refine crude oil into aviation gas for the military during the war, the suit related to acts under color of federal office. Chevron contended that the Removal Clarification Act of 2011 extended the reach of the federal officer removal statute. Before that amendment, the statute authorized removal of suits brought only “for” actions taken under color of federal office—language the Supreme Court had interpreted to require a causal nexus between the lawsuit and the asserted federal authority. Some courts continued applying that causal-nexus test after the amendment. Louisiana countered that removal independently required Chevron to have been “acting under” a federal officer in taking the specific actions at issue—that is, in its crude-oil production rather than its refining.

The district court rejected Chevron’s attempt to remove, and the Fifth Circuit affirmed, reasoning that the suit concerned oil-production activities, rather than refining, so it did not sufficiently relate to the wartime refining contracts to justify removal under the statute. The court of appeals rejected Louisiana’s argument that the defendant must have been “acting under” a federal officer in taking the specific acts at issue.

Issue:

Under the federal officer removal statute, can a state-court suit “relat[e] to” a defendant’s performance of federal duties without having a causal nexus to those duties, and may the defendant remove even if it was not “acting under” a federal officer in taking the specific acts at issue?

Court’s Holding:

Yes. Section 1442(a)(1)’s “for or relating to” language sweeps broadly, and a defendant need plausibly allege only a relation between the lawsuit and the performance of federal duties that is not tenuous, remote, or peripheral. The removing defendant need not show that it was “acting under” a federal officer in taking the specific actions challenged by the plaintiff in the suit.

What It Means:

- Today’s decision broadens the availability of federal officer removal for government contractors. By rejecting a stricter causal-nexus or contractual-direction approach, the Court made clear that the 2011 amendment to Section 1442 means what it says: A removing defendant need show only that the suit has a non-attenuated connection with acts taken under federal direction, not that a federal contract specifically ordered the conduct challenged in the suit.
- The Court also rejected the argument that the removal statute requires the defendant to be “acting under” a federal officer in taking the specific actions challenged by the plaintiff in the suit. The decision makes clear that the statute authorizes the removal of suits that are “relat[ed] to any act” performed under the direction or behest of a federal officer. And

the Court emphasized that the “phrase ‘relating to’ sweeps broadly” and only “requires a connection that is not ‘tenuous, remote, or peripheral.’”

- The decision provides a potentially important procedural opportunity for defendants with plausible federal officer removal arguments, giving them stronger grounds to seek a federal forum for litigating the merits of a suit.

Gibson Dunn Appellate Honors

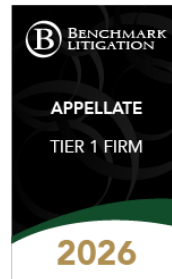


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The Court's opinion is available [here](#).

Gibson Dunn's lawyers are available to assist in addressing any questions you may have regarding developments at the Supreme Court. Please feel free to contact the following practice group leaders:

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