

United States Court of Appeals
For the Eighth Circuit

No. 18-2115

Quenton Shelby

Plaintiff - Appellant

v.

Oak River Insurance Company

Defendant - Appellee

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: April 4, 2019

Filed: April 15, 2019

[Unpublished]

Before GRUENDER, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

This action was originally brought in state court by Missouri resident Quenton Shelby, who sought to recover from Oak River Insurance Company (Oak River) on a judgment entered in a prior class action that Shelby had brought against a business insured by Oak River. Oak River removed the state-court action to federal court, under the Class Action Fairness Act, see 28 U.S.C. § 1332(d). Shelby then moved to

remand the case back to state court, arguing that the removal was untimely. The district court¹ denied his motion to remand, and thereafter, granted summary judgment in favor of Oak River. Shelby now appeals the denial of his motion to remand and the adverse grant of summary judgment.

To begin, we decline to decide whether the district court erred in denying Shelby's motion to remand. Cf. Quintero Cmty. Ass'n Inc. v. F.D.I.C., 792 F.3d 1002, 1007-08 (8th Cir. 2015) (declining to decide whether district court erred in denying motion to remand based on timeliness of removal because any such error would not be reversible, as case had proceeded to summary judgment and timeliness of removal is non-jurisdictional, procedural defect). Furthermore, upon careful de novo review of the district court's summary judgment decision, we agree with the court's reasoning and conclusion. See Sims v. State Farm Mut. Auto. Ins. Co., 894 F.3d 941, 944 (8th Cir. 2018) (grant of summary judgment is reviewed de novo). We therefore affirm. See 8th Cir. R. 47B.

¹The Honorable Greg Kays, United States District Judge for the Western District of Missouri.