

REHNQUIST, C. J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 97–1909

MURPHY BROTHERS, INC., PETITIONER v.
MICHETTI PIPE STRINGING, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT

[April 5, 1999]

CHIEF JUSTICE REHNQUIST, with whom JUSTICE SCALIA
and JUSTICE THOMAS join, dissenting.

Respondent faxed petitioner a copy of the file-stamped complaint in its commenced state-court action, and I believe that the receipt of this facsimile triggered the 30-day removal period under the plain language of 28 U. S. C. §1446(b). The Court does little to explain why the plain language of the statute should not control, opting instead to superimpose a judicially created service of process requirement onto §1446(b). In so doing, it departs from this Court’s practice of strictly construing removal and similar jurisdictional statutes. See *Shamrock Oil & Gas Corp. v. Sheets*, 313 U. S. 100, 108–109 (1941). Because I believe the Eleventh Circuit’s analysis of the issue presented in this case was cogent and correct, see 125 F. 3d 1396, 1397–1398 (1997), I would affirm the dismissal of petitioner’s removal petition for the reasons stated by that court.