edent was reasonable, *i.e.*, no fairminded jurist could find that the state acted in accord with the Court's established precedent.[1403]

For the future, barring changes in Court membership, other curtailing of *habeas* jurisdiction can be expected. Perhaps the Court will impose some form of showing of innocence as a predicate to obtaining a hearing. More far-reaching would be an overturning of *Brown v. Allen* itself and the renunciation of any oversight, save for the extremely limited direct review of state court convictions in the Supreme Court. The Court continues to emphasize broad federalism concerns, rather than simply comity and respect for state courts.

Removal.—In the Judiciary Act of 1789, Congress provided that civil actions commenced in the state courts which could have been brought in the original jurisdiction of the inferior federal courts could be removed by the defendant from the state court to the federal court.[1404] Generally, as Congress expanded the original jurisdiction of the inferior federal courts, it similarly expanded removal jurisdiction.[1405] Although there is potentiality for intra-court conflict here, of course, in the implied mistrust of state courts' willingness or ability to protect federal interests, it is rather with regard to the limited areas of removal that do not correspond to federal court original jurisdiction that the greatest amount of conflict is likely to arise.

If a federal officer is sued or prosecuted in a state court for acts done under color of law [1406] or if a federal employee is sued for a wrongful or negligent act that the Attorney General certifies was

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[1403] Harrington v. Richter, 562 U.S. ___, No. 09–587, slip op. at 10–14 (2011) (overturning Ninth Circuit's grant of relief, which was based on ineffective assistance of counsel); *accord* Premo v. Moore, 562 U.S. ___, No. 09–658, slip op. (2011) (same) and Cullen v. Pinholster, No. 09–1088, slip op. (2011) (same).

[1404] § 12, 1 Stat. 79. The removal provision contained the same jurisdictional amount requirement as the original jurisdictional statute. It applied in the main to aliens and defendants not residents of the state in which suit was brought.

[1405] Thus the Act of March 3, 1875, § 2, 18 Stat. 470, conferring federal question jurisdiction on the inferior federal courts, provided for removal of such actions. The constitutionality of congressional authorization for removal is well-established. Chicago & N.W. Ry. v. Whitton's Administrator, 80 U.S. (13 Wall.) 270 (1871); Tennessee v. Davis, 100 U.S. 257 (1880); Ames v. Kansas ex rel. Johnston, 111 U.S. 449 (1884). *See* City of Greenwood v. Peacock, 384 U.S. 808, 833 (1966).

[1406] *See* 28 U.S.C. § 1442. This statute had its origins in the Act of February 4, 1815, § 8, 3 Stat. 198 (removal of civil and criminal actions against federal customs officers for official acts), and the Act of March 2, 1833, § 3, 4 Stat. 633 (removal of civil and criminal actions against federal officers on account of acts done under the revenue laws), both of which grew out of disputes arising when certain states attempted to nullify federal laws, and the Act of March 3, 1863, § 5, 12 Stat. 756 (removal of civil and criminal actions against federal officers for acts done during the existence of the Civil War under color of federal authority). In Mesa v. California, 489 U.S. 121 (1989), the Court held that the statute authorized federal officer removal only when the defendant avers a federal defense. *See* Willingham v. Morgan, 395 U.S. 402 (1969).