

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2434

EDWARD S. COHN; STEPHEN N. GOLDBERG, Substitute Trustee; RICHARD E. SOLOMON, Substitute Trustee; RICHARD J. ROGERS, Substitute Trustee; RANDALL J. ROLLS, Substitute Trustee,

Plaintiffs - Appellees,

v.

JOHN H. HARDING,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Ellen L. Hollander, District Judge. (1:17-cv-03236-ELH)

Submitted: February 15, 2018

Decided: February 16, 2018

Before WILKINSON, FLOYD, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John H. Harding, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John H. Harding seeks to appeal the district court's order remanding this foreclosure proceeding to the Maryland state court from which it was removed. Generally, "[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise." 28 U.S.C. § 1447(d) (2012). The Supreme Court has instructed that "§ 1447(d) must be read *in pari materia* with [28 U.S.C.] § 1447(c), so that only remands based on grounds specified in § 1447(c) are immune from review under § 1447(d)." *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 127 (1995). Thus, § 1447(d)

is tightly circumscribed to cover only remand orders within the scope of . . . § 1447(c), based on (1) a district court's lack of subject matter jurisdiction or (2) a defect in removal other than lack of subject matter jurisdiction that was raised by the motion of a party within 30 days after the notice of removal was filed.

Doe v. Blair, 819 F.3d 64, 66 (4th Cir. 2016) (internal quotation marks omitted). "Whether a district court's remand order is reviewable under § 1447(d) is not determined by whether the order explicitly cites § 1447(c) or not." *Borneman v. United States*, 213 F.3d 819, 824 (4th Cir. 2000).

The district court determined that it lacked subject matter jurisdiction over this case. Accordingly, we are without jurisdiction to review the remand order. We therefore deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED