

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1686

THE CLIENT PROTECTION FUND OF THE BAR OF MARYLAND,

Plaintiff - Appellee,

v.

MELDON S. HOLLIS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William D. Quarles, Jr., District Judge. (1:10-cv-00680-WDQ)

Submitted: January 31, 2011

Decided: February 25, 2011

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Meldon S. Hollis, Jr., Appellant Pro Se. Leo Wesley Ottey, Jr., CHASE & CHASE, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Meldon Hollis, Jr., appeals from the district court's order remanding the underlying action to Maryland state court and imposing attorney's fees against him. To the extent that Hollis appeals the order remanding to state court, the order is not appealable. See 28 U.S.C. § 1447(d) (2006). Accordingly, we dismiss, in part, for lack of jurisdiction.

We review for abuse of discretion the district court's order granting attorney's fees pursuant to 28 U.S.C. § 1447(c) (2006). In re Lowe, 102 F.3d 731, 733 n.2 (4th Cir. 1996). The Supreme Court has held that, "absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal." Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005). As noted by the district court, this was Hollis' second baseless attempt to remove the proceedings from state court. Accordingly, we find that the award of \$2275 was well within the district court's discretion and, therefore, affirm in part.

In light of this disposition, we deny the Appellee's motion to dismiss the appeal as well as Hollis' motion for injunctive relief and to vacate the writ of garnishment. 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 IN PART;
AFFIRMED IN PART