

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1222

OMAHA PROPERTY MANAGER, LLC, a Delaware Limited Liability Company,

Plaintiff - Appellee,

v.

KAMAL MUSTAFA,

Defendant - Appellant,

and

SIDIKATU RAJI; OMAHA PROPERTY MANAGER, LLC, a Maryland Limited Liability Company; OMAHA PROPERTY MANAGER, LLC, an Illinois Limited Liability Company; NDF1, LLC,

Defendants.

No. 23-1223

OMAHA PROPERTY MANAGER, LLC, a Delaware Limited Liability Company,

Plaintiff - Appellee,

v.

SIDIKATU RAJI,

Defendant - Appellant,

and

KAMAL MUSTAFA; OMAHA PROPERTY MANAGER, LLC, a Maryland Limited Liability Company; OMAHA PROPERTY MANAGER, LLC, an Illinois Limited Liability Company; NDF1, LLC,

Defendants.

Appeals from the United States District Court for the District of Maryland, at Greenbelt. George Jarrod Hazel, District Judge. (8:22-cv-01623-BPG)

Submitted: October 16, 2023

Decided: October 24, 2023

Before HARRIS, RICHARDSON, and HEYTENS, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Kamal Mustafa, Sidikatu Raji, Appellants Pro Se. Timothy McDevitt Hurley, NELSON MULLINS RILEY & SCARBOROUGH, LLP, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated interlocutory appeals, Kamal Mustafa and Sidikatu Raji seek review of the district court’s order denying Mustafa’s motion to dismiss, denying his motion to dissolve the preliminary injunction imposed by the court, and granting Plaintiff, Omaha Property Manager, LLC’s motion for contempt and for sanctions. We affirm the district court’s order denying the motion to dissolve the injunction and dismiss the appeals as to the remaining issues.

Before addressing the merits of these appeals, we first must assure that we have jurisdiction. *Williamson v. Stirling*, 912 F.3d 154, 168 (4th Cir. 2018). An order “refusing to dissolve or modify [an] injunction[.]” is an immediately appealable interlocutory order. 28 U.S.C. § 1292(a)(1). We review the district court’s denial of a motion to dissolve a preliminary injunction for an abuse of discretion, reviewing the district court’s factual findings underlying its decision for clear error and its legal conclusions de novo. *See Fed. Trade Comm’n v. Simple Health Plans LLC*, 58 F.4th 1322, 1327 (11th Cir. 2023); *Dewhurst v. Century Aluminum Co.*, 649 F.3d 287, 290 (4th Cir. 2011). With these standards in mind, we have reviewed the record and conclude that the district court appropriately denied the motion to dissolve the preliminary injunction. Accordingly, we affirm this portion of the district court’s order.

To the extent that Mustafa and Raji seek to challenge the denial of Mustafa’s motion to dismiss, we lack jurisdiction to review that portion of the district court’s order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v.*

Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The district court's denial of Mustafa's motion to dismiss is neither a final order nor an appealable interlocutory or collateral order. *See Occupy Columbia v. Haley*, 738 F.3d 107, 115 (4th Cir. 2013). We therefore dismiss for lack of jurisdiction the appeals from this portion of the district court's order.

We also lack jurisdiction to review the portion of the district court's order finding Defendants in contempt and imposing sanctions. A civil contempt sanction is not an immediately appealable order. *United States v. Myers*, 593 F.3d 338, 344 (4th Cir. 2010); *see Consolidation Coal Co. v. Local 1702, United Mineworkers of Am.*, 683 F.2d 827, 830 n.3 (4th Cir. 1982). We therefore dismiss the appeals to the extent Mustafa and Raji challenge the civil contempt findings.

Accordingly, we affirm the portion of the district court's order denying Mustafa's motion to dissolve the preliminary injunction, and we dismiss the appeals as to the remaining portions of the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED IN PART,
DISMISSED IN PART*