

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1437

SREIT BROAD VISTA TERRACE, L.L.C.,

Plaintiff - Appellee,

v.

ANDREW A. AQUILA,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:23-cv-00295-CMH-WEF)

Submitted: November 16, 2023

Decided: December 14, 2023

Before NIEMEYER and AGEE, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Andrew A. Aquila, Appellant Pro Se. Alfredo Acin, OFFIT KURMAN, PA, Tysons Corner, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andrew A. Aquila appeals the district court's order remanding to the state court the unlawful detainer action that Aquila had removed to the federal district court. Before Aquila filed the notice of removal, the state court entered judgment of possession in favor of SREIT Broad Vista Terrace, L.L.C. After the district court remanded the case, the unlawful detainer action proceeded to final judgment in the state court. Therefore, even if we were to review the order and conclude that the remand was in error, relitigation of the unlawful detainer claim would be barred by the doctrine of res judicata. *See Sykes v. Texas Air Corp.*, 834 F.2d 488, 490-91 (5th Cir. 1987). Accordingly, we dismiss the appeal as moot. *See Fleet Feet, Inc. v. NIKE, Inc.*, 986 F.3d 458, 463 (4th Cir. 2021). We deny Aquila's motion to compel the transmission of the state court record to this court. 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.

DISMISSED