

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-1091**

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MARK E. DAVIS; TAMMY L. DAVIS,

Plaintiffs - Appellees,

v.

REO AMERICA, INCORPORATED, a Florida corporation, and any  
and all persons; REBUILD AMERICA, INCORPORATED, a Florida  
Corporation,

Defendants - Appellees,

and

MIKE RUTHERFORD, Sheriff of Kanawha County; VERA MCCORMICK,  
Clerk of the County Commission of Kanawha County; 100 JOHN  
DOES, having or claiming any interest in real estate  
identified as 51 Woodbridge Drive, Charleston, West  
Virginia,

Defendants,

v.

HUNTINGTON NATIONAL BANK, N.A.,

Movant - Appellant.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Charleston. Joseph R. Goodwin,  
Chief District Judge. (2:09-cv-00096)

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Submitted: June 1, 2010

Decided: June 7, 2010

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Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Philip Brown Hereford, HEREFORD & HEREFORD, Charleston, West Virginia, for Appellant. Mark E. Davis, Tammy L. Davis, Appellees Pro Se; James William Lane, Jr., Charleston, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Huntington National Bank appeals from the district court's order denying its request for attorneys fees following the improper removal of the underlying proceeding. Because Huntington was not a party to the proceedings in district court, the court acted within its discretion in denying Huntington's motion for attorney fees. See People for the Ethical Treatment of Animals v. Doughney, 263 F.3d 359, 370 (4th Cir. 2001) (providing standard of review). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Davis v. Rutherford, No. 2:09-cv-00096 (S.D. W. Va. filed Oct. 6, 2009 & entered Oct. 8, 2009). 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.

AFFIRMED