

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-7159**

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W. DAVID LEE, Judge Cabarrus County Superior Court,

Plaintiff - Appellee,

v.

CARROLL MURRAYBEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:12-cr-00190-WO-1)

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Submitted: November 2, 2012

Decided: November 6, 2012

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Before WILKINSON, KEENAN, and THACKER, Circuit Judges.

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Dismissed in part; affirmed in part by unpublished per curiam opinion.

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Carroll Murraybey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carroll Murraybey appeals the district court's order remanding his state criminal prosecution to North Carolina state court. Because Murraybey fails to challenge on appeal the district court's conclusion that removal was improper he arguably has forfeited appellate review of the court's order. In any event, to the extent the district court relied on 28 U.S.C. § 1443 (2006) in concluding that removal was improper, we find no reversible error and affirm this portion of the district court's order on the reasoning of the district court. See Lee v. Murraybey, No. 1:12-cr-00190-WO-1 (M.D.N.C. June 8, 2012); see also 28 U.S.C. § 1447(d) (2006). To the extent that the district court concluded it lacked subject matter jurisdiction under removal provisions other than § 1443, we dismiss the appeal. See Severonickel v. Gaston Reymenants, 115 F.3d 265, 266-69 (4th Cir. 1997); Noel v. McCain, 538 F.2d 633, 635 (4th Cir. 1976).

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