

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1066

WAKE COUNTY HUMAN SERVICES,

Plaintiff - Appellee,

v.

WILLIAM SCOTT DAVIS, II,

Defendants - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:12-cv-00413-BO)

Submitted: June 20, 2013

Decided: June 25, 2013

Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

William Scott Davis, II, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Scott Davis, Jr., appeals the district court's order accepting the recommendation of the magistrate judge and remanding his case for lack of subject matter jurisdiction. An order remanding a case to state court is generally not reviewable on appeal or otherwise. 28 U.S.C. § 1447(d) (2006). The Supreme Court has limited § 1447(d) to insulate from appellate review those remand orders based on the grounds specified in § 1447(c): a defect in the removal procedure or a lack of subject matter jurisdiction. Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 711-12 (1996). In this case, the district court remanded the case because it lacked subject matter jurisdiction over the proceeding. Moreover, this case does not implicate § 1443. Accordingly, we dismiss the appeal for lack of jurisdiction.

Davis also appeals the district court's orders denying his motion to stay the magistrate judge's memorandum and recommendation, motion to appoint counsel, and motion for extension of time to file additional pleadings. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Wake Cnty. Human Servs. v. Davis, No. 5:12-cv-00413-BO (E.D.N.C. Apr. 9, 2013; Apr. 22, 2013). We deny Davis' motions to appoint counsel. 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 IN PART;
AFFIRMED IN PART