

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1458

JEFFREY BARRY FISHER; DOREEN A. STROTHMAN; VIRGINIA S. INZER;
WILLIAM K. SMART; CARLETTA M. GRIER,

Plaintiffs - Appellees,

v.

KIMMY R. CATHEY,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. George Jarrod Hazel, District Judge.
(8:15-cv-01357-GJH)

Submitted: September 13, 2016 Decided: September 16, 2016

Before TRAXLER, AGEE, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kimmy R. Cathey, Appellant Pro Se. Martin Stuart Goldberg, FISHER
LAW GROUP, Upper Marlboro, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kimmy R. Cathey seeks to appeal the district court's order remanding this removed action to the state court for lack of jurisdiction. With certain exceptions not applicable here, "[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise." 28 U.S.C. § 1447(d) (2012). The Supreme Court has limited the scope of § 1447(d) to prohibiting appellate review of remand orders based on a defect in the removal procedure or lack of subject matter jurisdiction. Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 711-12 (1996); see 28 U.S.C. § 1447(c) (2012). Here, the remand was based on lack of subject matter jurisdiction. Accordingly, this court lacks jurisdiction to review the district court's order. We therefore deny Cathey leave to proceed in forma pauperis and dismiss the appeal. 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