

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1584

CALIFORNIA CASUALTY INDEMNITY EXCHANGE,

Plaintiff - Appellee,

v.

JOSEPHAT MUA; FRANCOISE VANDENPLAS,

Defendants - Appellants.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:15-cv-00060-PJM)

Submitted: November 22, 2016

Decided: December 1, 2016

Before DIAZ and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Josephat Mua, Francoise Vandenplas, Appellants Pro Se. Thomas V. McCarron, James Olin Spiker, IV, SEMMES, BOWEN & SEMMES, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Appellants Josephat Mua and Francoise Vandenplas seek to appeal the district court's orders remanding the underlying unjust enrichment action to state court and denying their motions for reconsideration and to reopen. California Casualty Indemnity Exchange (California Casualty) has moved to dismiss the appeal as frivolous, and also asks that Appellants be ordered to pay the damages, costs, and attorney's fees associated with this appeal. Appellants have filed motions to exceed the length limitations for their appellate filings and for leave to file a corrected response to California Casualty's motion to dismiss, and have also filed applications to proceed in forma pauperis.

Subject to 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); see E.D. ex rel. Darcy v. Pfizer, Inc., 722 F.3d 574, 579-83 (4th Cir. 2013). Because the district court's orders do not fall within the exceptions provided by § 1447, the orders are not appealable.

Accordingly, we dismiss the appeal for lack of jurisdiction. We grant Appellants' motions to exceed the length limitations for their appellate filings and to file a corrected response, and deny Appellants' in forma pauperis applications.

We deny California Casualty's motion to dismiss and for sanctions.*

We dispense with oral argument because the facts and legal contentions are adequately presented in the material before this court and argument would not aid the decisional process.

DISMISSED

* We note that this is Appellants' second unsuccessful appeal of the same matter, and we therefore warn Appellants that another appeal may subject them to sanctions.