

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1363

BANK OF AMERICA, NA,

Plaintiff - Appellee,

v.

NELSON L. BRUCE,

Defendant - Appellant,

and

SOUTH CAROLINA HOUSING TRUST FUND; CHARLESTON AREA CDC;
SC HOUSING CORP; CAPITAL RETURN INVESTMENTS LLC; REMINISCE
HOMEOWNERS ASSOCIATION INC,

Defendants.

Appeal from the United States District Court for the District of South Carolina, at
Charleston. Richard Mark Gergel, District Judge. (2:17-cv-02617-RMG)

Submitted: June 14, 2018

Decided: June 18, 2018

Before TRAXLER, DUNCAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nelson L. Bruce, Appellant Pro Se. Brandon Stuart Vesely, ALBERTELLI LAW,
Tampa, Florida, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nelson L. Bruce seeks to appeal the district court's order adopting the recommendation of the magistrate judge and remanding this foreclosure proceeding to the South Carolina state court from which it was removed.

Generally, “[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 instructed that “§ 1447(d) must be read *in pari materia* with [28 U.S.C.] § 1447(c), so that only remands based on grounds specified in § 1447(c) are immune from review under § 1447(d).” *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 127 (1995). Thus, “§ 1447(d) is tightly circumscribed to cover only remand orders within the scope of . . . § 1447(c), based on (1) a district court's lack of subject matter jurisdiction or (2) a defect in removal other than lack of subject matter jurisdiction [raised by a timely motion].” *Doe v. Blair*, 819 F.3d 64, 66 (4th Cir. 2016) (internal quotation omitted). “Whether a district court's remand order is reviewable under § 1447(d) is not determined by whether the order explicitly cites § 1447(c) or not.” *Borneman v. United States*, 213 F.3d 819, 824 (4th Cir. 2000).

Here, the district court remanded on the basis that it lacked subject matter jurisdiction. Accordingly, we are without jurisdiction to review the remand order and dismiss this 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