

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1583

DIANE S. ROSENBERG, Substitute Trustee; MARK D. MEYER, Substitute Trustee; JOHN A. ANSELL, III, Substitute Trustee; STEPHANIE MONTGOMERY, Substitute Trustee; KENNETH SAVITZ, Substitute Trustee,

Plaintiffs - Appellees,

v.

KEVIN CHRISTOPHER BETSKOFF,

Defendant - Appellant,

and

LUCREZIA IONA CANADY,

Defendant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
George L. Russell, III, District Judge. (1:18-cv-00672-GLR)

Submitted: October 23, 2018

Decided: October 25, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kevin C. Betskoff, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin C. Betskoff appeals from the district court's order remanding the underlying foreclosure proceeding back to state court. We dismiss the appeal. Remand orders are generally "not reviewable on appeal or otherwise." 28 U.S.C. § 1447(d) (2012). The Supreme Court has explained that the appellate restrictions of "§ 1447(d) must be read in pari materia with § 1447(c), so that only remands based on grounds specified in § 1447(c) [i.e., lack of subject matter jurisdiction and defects in removal procedures] are immune from review under § 1447(d)." *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 127 (1995).

Whether a remand order is reviewable is not based on a district court's explicit citation to § 1447(c); "[t]he bar of § 1447(d) applies to any order invoking substantively one of the grounds specified in § 1447(c)." *Borneman v. United States*, 213 F.3d 819, 824-25 (4th Cir. 2000). Here, the district court clearly remanded this case based on lack of subject matter jurisdiction. Accordingly, we lack jurisdiction to review the merits of the district court's order. Thus, we deny leave to proceed on appeal in forma pauperis and we dismiss the appeal. 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