

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7567

SHARON RENEE CHABASSOLE,

Plaintiff - Appellee,

v.

ROBERT WILLIAM WAZNEY,

Defendant - Appellant.

No. 20-7714

SHARON RENEE CHABASSOLE,

Plaintiff - Appellee,

v.

ROBERT WILLIAM WAZNEY,

Defendant - Appellant.

Appeals from the United States District Court for the District of South Carolina, at
Columbia. Henry M. Herlong, Jr., Senior District Judge. (3:20-cv-02399-HMH)

Submitted: June 29, 2021

Decided: July 1, 2021

Before HARRIS, RICHARDSON, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert William Wazney, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Robert William Wazney seeks to appeal from the district court's orders: (1) denying his "motion to appeal" from the magistrate judge's recommendation and denying his motion for stay, and (2) adopting the report and recommendation of the magistrate judge and remanding the underlying domestic proceeding back to state court. We dismiss the appeals. Remand orders are generally "not reviewable on appeal or otherwise." 28 U.S.C. § 1447(d). 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 remanded the case to the state court after finding that it lacked subject matter jurisdiction. Accordingly, we lack jurisdiction to review the merits of the district court's orders. We deny Wazney's motion for oral argument via teleconference and 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