

United States Court of Appeals
For the Eighth Circuit

No. 15-2774

Cox Contracting

Vincent Cox, Sr.

Appellant

Vincent Cox, Jr.

v.

Sickle Cell Anemia Foundation Inc. of Arkansas

Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: January 5, 2016

Filed: January 8, 2016

[Unpublished]

Before GRUENDER, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Vincent Cox, Sr. (Cox) sought to remove to federal court, pursuant to 28 U.S.C. §§ 1441 and 1443, a civil action brought in state court in October 2013 against Cox, Vincent Cox, Jr., and Cox Contracting, relating to a property lien. The district court¹ held that his notice of removal was untimely, and remanded the case. The court also denied Cox's motion under Fed. R. Civ. P. 60(b), and Cox appeals.

We have jurisdiction to review the district court's remand order. See 28 U.S.C. § 1447(d). We hold that the district court properly remanded the case because the notice of removal was untimely. See 28 U.S.C. § 1446(b)(3) (notice of removal must be filed within 30 days of receipt of amended pleading, motion, order or other paper from which it may first be ascertained that case is or has become removable); Neal v. Wilson, 112 F.3d 351, 354-55 (8th Cir. 1997) (affirming remand of § 1443 removal on untimeliness grounds). We further hold that the district court did not abuse its discretion in denying Cox's Rule 60(b) motion. See Noah v. Bond Cold Storage, 408 F.3d 1043, 1045 (8th Cir. 2005) (per curiam) (denial of Rule 60(b) motion reviewed for abuse of discretion).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable J. Leon Holmes, United States District Judge for the Eastern District of Arkansas.