

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-1174**

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RYNELE MAURICE MARDIS,

Plaintiff - Appellee,

v.

CAROLYN MARDIS,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. James K. Bredar, District Judge. (1:11-cv-00374-JKB)

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Submitted: July 28, 2011

Decided: August 1, 2011

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Before SHEDD, AGEE, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Carolyn Mardis, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carolyn Mardis seeks to appeal the district court's order remanding this case to the Circuit Court for Howard County, Maryland, from which it was removed. We dismiss the appeal.

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) (2006). The Supreme Court has instructed that "§ 1447(d) must be read in pari materia with [28 U.S.C.] § 1447(c) [(2006)], 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) bars . . . review of a district court's remand order only if the order was issued under § 1447(c) and invoked the grounds specified therein, . . . either (1) that the district court granted a timely filed motion raising a defect in removal procedure or (2) that it noticed a lack of subject matter jurisdiction.

Ellenburg v. Spartan Motors Chassis, Inc., 519 F.3d 192, 196 (4th Cir. 2008) (internal quotation marks, alterations, and citations 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).

In this case, the district court remanded the action because it lacked subject matter jurisdiction. Under the cited authorities, we are without jurisdiction to review the remand order, and we dismiss the appeal. Appellant's "Motion to Obtain the Record by Court Order" is denied. 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