

UNPUBLISHED

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

No. 18-1775

ADAM L. PERRY,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA,

Movant - Appellee,

and

WILLIAM EARL BRITT, Senior United States District Judge in his official
capacity,

Respondent.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Elizabeth City. James C. Dever III, District Judge. (2:17-cv-00054-D)

Submitted: October 23, 2018

Decided: October 25, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Adam L. Perry, Appellant Pro Se. Christopher Michael Anderson, OFFICE OF THE
UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adam L. Perry appeals the district court's order denying his motion for contempt, motion for trial, and application for injunction in this action the United States removed from state court under 28 U.S.C. § 1442(a) (2012). On appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b). Because Perry's informal brief does not challenge with specific argument the bases for the district court's disposition, Perry has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Accordingly, we grant leave to proceed in forma pauperis and affirm the district court's judgment. We deny Perry's motion for injunctive relief pending appeal and 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.

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:17-CV-54-D

ADAM L. PERRY,

Plaintiff,

v.

WILLIAM EARL BRITT,

Defendant.

ORDER

On October 6, 2017, Adam L. Perry ("Perry" or "plaintiff"), proceeding pro se, applied for a "preliminary and/or permanent injunction" in Perquimans County Superior Court against Senior United States District Judge William Earl Britt [D.E. 13-2]. On September 28, 2015, the United States removed the action from Perquimans County Superior Court to this court pursuant to 28 U.S.C. § 1442(a)(3). On June 3, 2016, this court dismissed the action for lack of subject-matter jurisdiction or, alternatively, for failure to state a claim. See Perry v. Britt, No. 2:15-CV-37-D, 2016 WL 3187289 (E.D.N.C. June 3, 2016) (unpublished) ("Perry II"), aff'd, 678 F. App'x 101 (4th Cir. 2017) (per curiam) (unpublished), cert. denied, 138 S. Ct. 303 (2017); see also Notice of Removal [D.E. 1] 1.

According to Perry, the state court ordered the parties to "appear to the court in perquimans county north Carolina for injunction relief hearing on October 30th 2017[.]" Pl.'s Mot. Contempt [D.E. 6-2] 1; cf. Gov't's Mot. Dismiss, Exs. 2 [D.E. 15-2] (Oct. 27, 2017 letter acknowledging receipt of court calendar), 3 [D.E. 15-3] (Nov. 13, 2017 state court order noting that the state court "calendared [the case] for review at a Civil Administrative Session"). When Judge Britt did not appear at the hearing, Perry filed a "motion for contempt of court" [D.E. 6-2]. That motion cites

removal are nullities. See Allen v. Nationwide Mut. Ins., No. 2:17-CV-561, 2017 WL 4985517, at *2 (S.D. Ohio Nov. 2, 2017) (unpublished), report and recommendation adopted, 2018 WL 276810 (S.D. Ohio Jan. 3, 2018) (unpublished); Yuan v. U.S. Holdings, LLP, No. 5:10-CV-1251 (NAM/ATB), 2011 WL 3649598, at *1 (N.D.N.Y. Aug. 18, 2011) (unpublished); Dunigan v. Countrywide Home Loans, Inc., No. 1:08-CV-3735-CC, 2009 WL 10698799, at *3 (N.D. Ga. Sept. 10, 2009) (unpublished); Fischman v. Fischman, 470 F. Supp. 980, 984 (E.D. Pa. 1979).

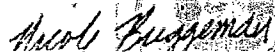
Perry's application for an injunction against Judge Britt simply attempts to relitigate issues he unsuccessfully argued in Perry I and Perry II. Thus, the court denies the motion. The court denies the remaining motions as moot.

In sum, the court DENIES the pending motions [D.E. 6, 11, 13, 14]. The clerk shall close the case.

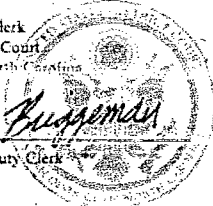
SO ORDERED. This 11 day of May 2018.

I certify the foregoing to be a true and correct
copy of the original.
Peter A. Moore, Jr., Clerk
United States District Court
Eastern District of North Carolina

By:



Deputy Clerk




JAMES C. DEVER III
Chief United States District Judge