

FILED: January 24, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-2046
(7:21-cv-00471-TTC)

BOARD OF SUPERVISORS OF ALLEGHANY COUNTY

Plaintiff - Appellee

v.

DONNIE T. KERN

Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 21-2046

BOARD OF SUPERVISORS OF ALLEGHANY COUNTY,

Plaintiff - Appellee,

v.

DONNIE T. KERN,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Thomas T. Cullen, District Judge. (7:21-cv-00471-TTC)

Submitted: January 20, 2022

Decided: January 24, 2022

Before WILKINSON, DIAZ, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Donnie T. Kern, Appellant Pro Se. Travis Stuart Andrews, Jim H. Guynn, Jr., GUYNN WADDELL CARROLL & LOCKABY, P.C., Salem, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donnie T. Kern seeks to appeal the district court's order remanding the case to the state court from which it was removed. The district court remanded the case because it lacked subject matter jurisdiction. Generally, an order remanding a case to the state court from which it was removed is not reviewable on appeal. 28 U.S.C. § 1447(d); *see* 28 U.S.C. § 1442 (exception for cases involving “[f]ederal officers or agencies sued or prosecuted”); 28 U.S.C. § 1443 (exception for cases involving “[c]ivil rights cases”). The Supreme Court has instructed that “§ 1447(d) must be read *in pari materia* with [28 U.S.C.] § 1447(c), 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); *see Doe v. Blair*, 819 F.3d 64, 66-67 (4th Cir. 2016) (“[A] district court may remand a case *sua sponte* for lack of subject matter jurisdiction at any time, and such an order is not reviewable.”) (citations omitted)).

The district court remanded the case because it lacked subject matter jurisdiction. We, therefore, are without jurisdiction to review the remand order. *See Doe*, 819 F.3d at 66. Accordingly, we dismiss the appeal for lack of jurisdiction. We deny Kern's motion to accelerate case processing, to schedule oral argument, and for injunctive or other relief. 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

**Additional material
from this filing is
available in the
Clerk's Office.**