

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1006

STATE OF MARYLAND, DEPARTMENT OF THE
ENVIRONMENT; BALTIMORE COUNTY, MARYLAND,

Plaintiffs - Appellees,

versus

JAMES RIFFIN,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Richard D. Bennett, District Judge.
(1:06-cv-02989-RDB)

Submitted: February 28, 2007

Decided: March 21, 2007

Before WILKINSON, MICHAEL, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Riffin, Appellant Pro Se. Adam Dean Snyder, OFFICE OF THE
ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland; Jeffrey A.
Barmach, BALTIMORE COUNTY OFFICE OF LAW, Towson, Maryland, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Riffin appeals a district court order dismissing the action and remanding it to state court because Riffin's notice of removal was untimely. We dismiss the appeal for lack of jurisdiction.

"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). The Supreme Court has made clear that a remand order based on untimely removal is not appealable. Things Remembered, Inc. v. Petrarca, 516 U.S. 124, 126-28 (1995); see also Wilkins v. Rogers, 581 F.2d 399, 403 (4th Cir. 1978) (a district court's order finding that the notice of removal is not timely filed is not reviewable on appeal).

Accordingly, the appeal is dismissed for lack of jurisdiction. 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