

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1147

RODNEY L. BURR,

Plaintiff - Appellant,

v.

DOUGLAS F. GANSLER; MARCUS L. BROWN,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (1:12-cv-03736-CCB)

Submitted: May 16, 2013

Decided: May 30, 2013

Before SHEDD, DAVIS, and WYNN, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Rodney L. Burr, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney L. Burr appeals the district court's order remanding the State's prosecution of Burr for a traffic violation to state court and dismissing Burr's federal complaint alleging that the state regulation requiring that he wear a seat belt while driving violates the Constitution. As this court may not ordinarily review a district court's remand order by reason of 28 U.S.C. § 1447(d) (2006), and we reject Burr's argument that there was supplemental jurisdiction over the state prosecution by virtue of his complaint, we dismiss Burr's appeal to the extent he seeks review of that portion of the order. See Borneman v. United States, 213 F.3d 819, 824 (4th Cir. 2000); see also Franchise Tax Bd. of Cal. v. Constr. Laborer Vacation Trust for S. Cal., 463 U.S. 1, 10 (1983) ("[A] federal court does not have original jurisdiction over a case in which the complaint presents a state-law cause of action, but also asserts that federal law deprives the defendant of a defense he may raise . . . or that a federal defense the defendant may raise is not sufficient to defeat the claim.") (citation omitted).

With respect to Burr's complaint, we agree with the district court that it is without merit and therefore affirm the portion of the court's order dismissing the complaint.

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 IN PART;
AFFIRMED IN PART