

UNPUBLISHED

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

JOSE PEREZ,

Plaintiff-Appellant,

v.

MARK ELRICH; THOMAS W.
ANDERSON; THE CITY OF TAKOMA
PARK, MARYLAND,

Defendants-Appellees.

No. 02-1393

Appeal from the United States District Court
for the District of Maryland, at Greenbelt.

Peter J. Messitte, District Judge.

(CA-01-2648-PJM)

Submitted: November 20, 2002

Decided: December 3, 2002

Before MICHAEL and GREGORY, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Ralph T. Byrd, Laytonsville, Maryland, for Appellant. John F.
Breads, Jr., Columbia, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Jose Perez filed a complaint in Maryland state court alleging common law defamation, as well as claims under 42 U.S.C. § 1983 (2000), arising out of several comments made by the chief of police and a city council member from Takoma Park, Maryland. The Defendants removed the action to federal court, which denied Perez's motion to remand and dismissed the complaint pursuant to Fed. R. Civ. P. 12(b)(6) for the reasons stated from the bench. Perez appeals. We have reviewed the record, the district court's statements from the bench, and the parties' briefs. The district court properly found, first, that Perez failed to state a claim under § 1983 and that, in any event, the Defendants would be entitled to qualified immunity. *See Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). The district court also properly found that none of the statements underlying Perez's claims were defamatory under Maryland state law. *See Bagwell v. Peninsula Reg'l Med. Ctr.*, 665 A.2d 297, 317 (Md. App. 1995). Finally, because the district court had jurisdiction at the time it rendered final judgment, we will not disturb its decision to deny Perez's motion to remand to state court. *Aqualon v. MAC Equip.*, 149 F.3d 262, 264 (4th Cir. 1998); *see also Caterpillar, Inc. v. Lewis*, 519 U.S. 61, 64 (1996) ("[A] district court's error in failing to remand a case improperly removed is not fatal to the ensuing adjudication if federal jurisdictional requirements are met at the time judgment is entered").

Accordingly, we affirm. 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.

AFFIRMED