

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10281
Conference Calendar

SUNBELT NATIONAL MORTGAGE CORPORATION,

Plaintiff-Appellant,

versus

LEWIS T. MOHR, and all other occupants of
7324 Buttonwood, Forth Worth, Texas, 76137;
CATHY LYNN MOHR,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:96-CV-958-Y
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Lewis T. and Cathy Lynn Mohr appeal the district court's order remanding a forcible-detainer action to the Texas state court, from which the Mohrs had removed the action to federal court. The district court remanded the proceedings, citing both a defect in the remand procedure and a lack of subject matter jurisdiction. See 28 U.S.C. § 1447(c).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Under 28 U.S.C. § 1447(d), and in accordance with Things Remembered, Inc. v. Petrarca, 516 U.S. 124, 127-28 (1996), this court has no jurisdiction to review a remand order based upon one of the grounds listed in 28 U.S.C. § 1447(c). Even if the district court was clearly erroneous in finding no jurisdiction, this court cannot review the remand. Tillman v. CSX Transportation Inc., 929 F.2d 1023, 1028 (5th Cir. 1991); Thermatron Products, Inc. v. Hermansdorfer, 423 U.S. 336, 343 (1976).

This court also lacks jurisdiction because the Mohrs' notice of appeal was untimely filed. See Ryals v. Estelle, 661 F.2d 904, 905 (5th Cir. 1981); FED. R. APP. P. 4(a)(1). Accordingly, the Mohrs' appeal must be DISMISSED.

The Mohrs' motion to proceed in forma pauperis ("IFP") on appeal is DENIED as moot.

APPEAL DISMISSED; MOTION TO PROCEED IFP DENIED.