

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40991
Conference Calendar

STATE COMMISSION ON
JUDICIAL CONDUCT,

Plaintiff-Appellant,

versus

ROYCE MARTIN,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:96-CV-273
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Judge Royce Martin appeals the remand of proceedings before the Supreme Court of Texas Review Tribunal to consider the recommendation of the Texas Commission on Judicial Conduct to remove Martin from his office of Justice of the Peace and to forever bar him from holding another judicial seat. The district court remanded the proceedings to the Review Tribunal, indicating

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

both a defect in the remand procedure and a lack of subject matter jurisdiction. See 28 U.S.C. § 1447(c).

Under 28 U.S.C. § 1447(d), and in accordance with Things Remembered, Inc. v. Petrarca, 116 S. Ct. 494, 496-97 (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).

DISMISSED.