

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**DEC 16 1998**

**PATRICK FISHER**  
Clerk

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FOUR ACES MOBILE HOME  
ESTATES; SAFETY INVESTMENT  
CORPORATION; STATE OF  
CALIFORNIA,

Plaintiffs-Appellees,

v.

HOLLI LUNDAHL,

Defendant-Appellant.

No. 98-4075  
(District of Utah)  
(D.C. No. 97-CV-993)

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**ORDER AND JUDGMENT\***

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Before **TACHA, McKAY, and MURPHY**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Holli Lundahl appeals the district court's dismissal of Lundahl's Notice of Removal and Motion to Consolidate. Finding Lundahl's appeal utterly without merit, this court **affirms** .

Lundahl sought to remove to the United States District Court for the District of Utah, several actions arising in California state court. After extensive review of Lundahl's removal notice, the district court concluded that it lacked subject matter jurisdiction over the removed actions. The district court went on to note that although lack of subject matter jurisdiction would normally mandate a remand of the action to state court, such a remand would be inappropriate here because the actions removed were no longer pending in any California court. Accordingly, the district court dismissed the action in its entirety.

Upon review of the Lundahl's briefs and contentions, the district court's Orders, and the entire record on appeal, this court **AFFIRMS** , for substantially those reasons set out in the district court's Orders dated March 24, 1998, and April 15, 1998. Lundahl's Motion for Leave to File Supplemental Appendix is **DENIED** .

ENTERED FOR THE COURT:

Michael R. Murphy  
Circuit Judge