

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7581

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PATRICK VINCENT TYLER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:07-cr-00473-REP-1; 3:09-cv-00309-REP)

Submitted: November 19, 2009

Decided: December 29, 2009

Before MICHAEL, SHEDD, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Patrick Vincent Tyler, Appellant Pro Se. Sara Elizabeth Chase, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick Vincent Tyler seeks to appeal the magistrate judge's order granting the Appellee's motion for an extension of time in which to file a response to Tyler's 28 U.S.C.A. § 2255 (West Supp. 2009) motion, and denying Tyler's petition for judgment. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Tyler seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. 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.

DISMISSED