

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-2066

MARTIN AKERMAN,

Plaintiff - Appellant,

v.

LLOYD J. AUSTIN, III, Secretary of Department of Defense; CHRISTINE E. WORMUTH, Secretary of the Army; FRANK KENDALL, Secretary of the Air Force; GENERAL DANIEL R. HOKANSON, Chief, National Guard Bureau; DEPARTMENT OF DEFENSE; DEPARTMENT OF THE ARMY; DEPARTMENT OF THE AIR FORCE; DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY,

Defendants - Appellees.

No. 22-2147

MARTIN AKERMAN,

Plaintiff - Appellant,

v.

LLOYD J. AUSTIN, III, Secretary of Department of Defense; CHRISTINE E. WORMUTH, Secretary of the Army; FRANK KENDALL, Secretary of the Air Force; GENERAL DANIEL R. HOKANSON, Chief, National Guard Bureau; DEPARTMENT OF DEFENSE; DEPARTMENT OF THE ARMY; DEPARTMENT OF THE AIR FORCE; DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY,

Defendants - Appellees.

No. 22-2154

MARTIN AKERMAN,

Plaintiff - Appellant,

v.

GENERAL DANIEL R. HOKANSON, General, Chief, National Guard Bureau; CHRISTINE E. WORMUTH, Secretary of the Department of the Army; FRANK KENDALL, Secretary of the Department of the Air Force; LLOYD J. AUSTIN, III, Secretary of the Department of Defense; PENTAGON; ANDREWS AFB; REMOTE,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:22-cv-00696-LMB-WEF; 1:22-cv-01258-LMB-WEF)

Submitted: July 28, 2023

Decided: August 29, 2023

Before RUSHING and HEYTENS, Circuit Judges, and KEENAN, Senior Circuit Judge.

No. 22-2066, affirmed in part and dismissed in part; Nos. 22-2147, 22-2154, affirmed by unpublished per curiam opinion.

Martin Akerman, Appellant Pro Se. Dennis Carl Barghaan, Jr., Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In the first of these consolidated appeals, No. 22-2066, Martin Akerman seeks to appeal the magistrate judge's order granting Defendants' motion for an extension of time to reply to Akerman's amended complaint, and the district court's orders denying his requests for counsel, to proceed in forma pauperis, and for various other forms of relief. Defendants have moved to dismiss this appeal for lack of jurisdiction because it is interlocutory. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). At the time of Akerman's appeal, the district court had not yet entered final judgment. Therefore, other than the order denying him leave to proceed in forma pauperis, the orders Akerman seeks to appeal were not final orders and, we conclude, were not appealable interlocutory or collateral orders. We therefore grant Defendants' motion in part and dismiss Akerman's appeal of those orders in No. 22-2066.

The order denying Akerman leave to proceed in forma pauperis is, however, an appealable interlocutory order, *Roberts v. U.S. Dist. Ct. for the N. Dist. Of Cal.*, 339 U.S. 844, 845 (1950), and therefore we have jurisdiction to review that denial. On appeal, we confine our review to the issues raised in the informal brief. *See* 4th Cir. R. 34(b). Because Akerman's informal brief does not challenge the basis for the district court's disposition, he has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). We therefore affirm

the district court's order denying Akerman leave to proceed in forma pauperis in No. 22-2066.

In the remaining two consolidated appeals, Nos. 22-2147 and 22-2154, Akerman appeals the district court's denial of relief on his amended complaint, and the court's dismissal of his complaint filed in a subsequent civil action the day after the dismissal of the prior complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's final orders in Nos. 22-2147 and 22-2154. We deny all of Akerman's pending motions in each of these consolidated appeals. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*No. 22-2066, AFFIRMED IN PART,
DISMISSED IN PART;
Nos. 22-2147, 22-2154, AFFIRMED*