

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-7061**

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KEITH LEVAN,

Petitioner - Appellant,

v.

WARDEN LEE CORRECTIONAL INSTITUTION,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Florence.  
Mary G. Lewis, District Judge. (4:22-cv-03990-MGL-TER)

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Submitted: February 27, 2024

Decided: March 1, 2024

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Before WILKINSON, WYNN, and HARRIS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Keith LeVan, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keith LeVan seeks to appeal the district court's order accepting the magistrate judge's recommendation and denying LeVan's petition for writ of mandamus filed in LeVan's 28 U.S.C. § 2254 proceedings. 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). Because LeVan's § 2254 petition is still pending in the district court, the order LeVan 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 this court and argument would not aid the decisional process.

*DISMISSED*