

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 06-7934**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CIABATTINO RAPHAEL MCSHAN,

Defendant - Appellant.

---

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers District Judge. (3:00-cr-00111-1; 3:03-cv-00324)

---

Submitted: April 26, 2007

Decided: May 1, 2007

---

Before WILLIAMS, MICHAEL, and SHEDD, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Ciabattino Raphael McShan, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ciabattino Raphael McShan seeks to appeal from the district court's order dismissing in part his 28 U.S.C. § 2255 (2000) motion, and directing additional briefing on the remaining issues. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order McShan 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