

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6480

JOHN WAYNE LUNSFORD,

Petitioner - Appellant,

versus

JOHN J. LAMANNA, Warden of FCI-Edgefield;
UNITED STATES PAROLE COMMISSION,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Joseph F. Anderson, Jr., Chief District Judge. (9:06-cv-02395-JFA)

Submitted: September 26, 2007

Decided: October 4, 2007

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

John Wayne Lunsford, Appellant Pro Se. Barbara Murcier Bowens, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Wayne Lunsford seeks to challenge on appeal the authority of a United States magistrate judge to conduct a motion hearing. The underlying case in which the hearing was scheduled remains pending in the district court.

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 proceeding Lunsford seeks to challenge reflects neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny Lunsford's motion for appointment of counsel and 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