

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7165

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FRANK W. BALLANCE, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:04-cr-00282-BO: 5:06-cv-00365-BO)

Submitted: October 18, 2007

Decided: October 26, 2007

Before WILKINSON, NIEMEYER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Frank W. Ballance, Jr., Appellant Pro Se. Stephen Aubrey West, Dennis M. Duffy, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frank Ballance seeks to appeal the district court's order granting in part and denying in part the Government's motion to dismiss Ballance's 28 U.S.C. § 2255 (2000) motion. The Government moved to dismiss Ballance's appeal as interlocutory. 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 Ballance seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we grant the Government's motion 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