

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1494

JEFFREY DALE GREGORY,

Debtor - Appellant,

v.

U.S. BANKRUPTCY ADMINISTRATOR; UNITED STATES OF AMERICA
(U.S. POSTAL SERVICE),

Parties-in-Interest,

SONYA MCABEE GREGORY,

Debtor,

and

WAYNE SIGMON,

Trustee - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Lacy H. Thornburg,
District Judge. (1:08-cv-00011-LHT)

Submitted: October 21, 2008

Decided: October 23, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jeffrey Dale Gregory, Appellant Pro Se. P. Wayne Sigmon, GRAY,
LAYTON, KERSH, SOLOMON, SIGMON, FURR & SMITH, PA, Gastonia,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

After the district court remanded this case to the bankruptcy court for approval of a settlement and denied Jeffrey Dale Gregory's motion for reconsideration, the bankruptcy court entered an order approving the settlement. Gregory noted his appeal to this court. To the extent that Gregory seeks to appeal the district court's order remanding the case and denying his motion for reconsideration, we lack jurisdiction over the appeal. 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 Gregory seeks to appeal is neither a final order nor an appealable interlocutory or collateral order.

To the extent that Gregory seeks to appeal from the bankruptcy court's order approving the settlement, this court also lacks jurisdiction. We have direct appellate jurisdiction in a bankruptcy case if the bankruptcy court or the district court certifies that: (1) an order entered in the case involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court, or if it involves a matter of public importance; (2) the order involves a question of law that requires resolution of conflicting decisions; or (3) an immediate appeal from the order

may materially advance the progress of the case or proceeding. See 28 U.S.C.A. § 158(d)(2)(A) (West 2006 & Supp. 2008). No such certification was made here, and we decline to exercise direct appellate jurisdiction.

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