

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6435

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEANDRA SMITH, a/k/a Leanra Smith, a/k/a Rhonda L. Barber,

Defendant - Appellant.

No. 08-6436

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEANDRA SMITH, a/k/a Leanra Smith, a/k/a Rhonda L. Barber,

Defendant - Appellant.

Appeals from the United States District Court for the Western
District of North Carolina, at Charlotte. Graham C. Mullen, Senior
District Judge. (3:03-cr-00219-GCM-DCK-2)

Submitted: July 2, 2008

Decided: July 28, 2008

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Leandra Smith, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina; David Alan Brown, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In Appeal No. 08-6435, Leandra Smith seeks to appeal from the district court's order denying her motion to stay a prior order of the district court pending resolution of her appeal. On April 8, 2008, this court dismissed Smith's appeal from the district court's October 25, 2007 order. Smith's request that the district court stay the order pending appeal and her appeal from the denial of that stay are now moot. Accordingly, we dismiss this appeal as moot.

Appeal No. 08-6436 is Smith's appeal from the district court's order denying her motion for substitution of appointed counsel prior to sentencing. 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 Smith seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction.

Having determined to dismiss Smith's appeals, we deny, as moot, her motion for a stay of the district court proceedings pending appeal. 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