

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-8211**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MITCHELL GATEWOOD,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., Chief District Judge. (3:07-cr-00054-RJC-1; 3:08-cv-00182-RJC)

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Submitted: February 26, 2009

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Decided: March 9, 2009

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Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Mitchell Gatewood, Appellant Pro Se. Adam Christopher Morris, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mitchell Gatewood seeks to appeal the district court's minute entry dismissing one but not all of the claims he presented in his 28 U.S.C.A. § 2255 (West Supp. 2008) motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Gatewood 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 further deny Gatewood's motions to appoint/assign counsel, for transcript at government expense, and for a certificate of appealability. 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