

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7173

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DIANE BEVERLY SIGUENZA,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Frank D. Whitney,
District Judge. (3:05-cr-00400-FDW-6)

Submitted: January 14, 2010

Decided: January 20, 2010

Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Diane Beverly Siguenza, Appellant Pro Se. Amy Elizabeth Ray,
Assistant United States Attorney, Asheville, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Diane Beverly Siguenza seeks to appeal the district court's denial of her motion to recuse. 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 Siguenza seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny leave to proceed in forma pauperis 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

* In her reply brief, Siguenza seeks to transform her appeal into a mandamus petition in which she seeks an order from this court directing the district court judge to recuse himself. Because "an issue first argued in a reply brief is not properly before a court of appeals," we decline to address this claim. Cavallo v. Star Enter., 100 F.3d 1150, 1152 n.2 (4th Cir. 1996); see 4th Cir. R. 34(b) ("The Court will limit its review to the issues raised in the informal brief.").