

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7610**  
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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEWIS MOSES BYRD,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Graham C. Mullen,  
Senior District Judge. (3:03-cr-00067-GCM-DCK-1; 3:08-cv-00257-  
GCM)

\_\_\_\_\_  
Submitted: February 28, 2011

Decided: March 10, 2011

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Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Lewis Moses Byrd, Appellant Pro Se. Amy Elizabeth Ray,  
Assistant United States Attorney, Asheville, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lewis Moses Byrd seeks to appeal the district court's order granting the Government's motion to file its response to his 28 U.S.C.A. § 2255 (West Supp. 2010) motion out of time and denying Byrd's motion to amend his § 2255 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, 545-46 (1949). The order Byrd 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 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