

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6623

THOMAS A. CHILTON, III,

Petitioner - Appellant,

v.

LORETTA KELLY, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. M. Hannah Lauck, Magistrate Judge. (3:10-cv-00871-JRS)

Submitted: October 11, 2011

Decided: October 24, 2011

Before NIEMEYER, SHEDD, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Thomas A. Chilton, III, Appellant Pro Se. Donald Eldridge Jeffrey, III, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas A. Chilton, III, seeks to appeal the district court's order denying his motion for a change of venue. 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 Chilton seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. See Ellicott Mach. Corp. v. Modern Welding Co., 502 F.2d 178, 180 (4th Cir. 1974). 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