

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6999

ROBERT ROBERTS,

Petitioner - Appellant,

v.

WARDEN,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:12-cv-01418-AW)

Submitted: September 27, 2012

Decided: October 2, 2012

Before MOTZ, DAVIS, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Roberts, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Roberts seeks to appeal the district court's order construing his filing as a 28 U.S.C. § 2254 (2006) petition and dismissing it, without prejudice, because the issues raised therein are adequately presented in Roberts' original § 2254 petition, which is currently pending in the district court. 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 Roberts 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