

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7423

DANIEL DAVID,

Petitioner - Appellant,

v.

KENNY ATKINSON,

Respondent - Appellee,

and

UNITED STATES OF AMERICA, District of Columbia; FEDERAL
BUREAU OF PRISONS; ERIC H. HOLDER, JR., United States
Attorney General,

Respondents.

Appeal from the United States District Court for the District of
South Carolina, at Orangeburg. David C. Norton, District Judge.
(5:13-cv-01511-DCN)

Submitted: January 29, 2014

Decided: February 5, 2014

Before MOTZ, GREGORY, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Daniel David, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel David seeks to appeal the district court's order adopting the magistrate judge's recommendation and recharacterizing David's 28 U.S.C. § 2241 (2012) petition as a 28 U.S.C. § 2255 (2012) motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order David 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 this court and argument would not aid the decisional process.

DISMISSED