

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7424

LEROY JOSEPH KELLY,

Petitioner - Appellant,

v.

PAUL COPENHAVEN, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:13-cv-00318-REP)

Submitted: December 17, 2013

Decided: December 20, 2013

Before KING, GREGORY, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Leroy Joseph Kelly, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leroy Joseph Kelly seeks to appeal the district court's order dismissing without prejudice his 28 U.S.C. § 2254 (2006) petition for failure to abide by the order of the 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 Kelly seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Kelly may be able to save his petition by amending it to comply with the district court's order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). 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 this court and argument would not aid the decisional process.

DISMISSED