

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6064

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLETTE DUFRAJ JOHNSON, a/k/a Charlotte Johnson,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. W. Earl Britt, Senior District Judge. (7:10-cr-00093-BR-1)

Submitted: February 27, 2014

Decided: March 5, 2014

Before NIEMEYER, KING, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charlette Dufraj Johnson, Appellant Pro Se. Jason Harris Cowley, Assistant United States Attorney, Susan Beth Menzer, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charlette Dufray Johnson seeks to appeal the district court's order denying without prejudice Johnson's pro se motions to vacate her sentence* and for a hearing on that 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).

"A judgment in a criminal case becomes final after conviction and imposition of sentence." United States v. Hartwell, 448 F.3d 707, 712 (4th Cir. 2006). Although Johnson previously was convicted and twice sentenced, this court recently vacated her criminal judgment in part and remanded for resentencing. Because the resentencing hearing has not yet occurred, no final judgment has been entered in the district court. We conclude the order Johnson 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 deny as moot Johnson's motion to expedite. We dispense with oral argument because the facts and legal

* This motion was not brought pursuant to 28 U.S.C. § 2255 (2012).

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED