

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 14-6556**

---

JEROME USHER,

Petitioner - Appellant,

v.

KEITH W. DAVIS, Warden,

Respondent - Appellee,

and

UNKNOWN,

Respondent.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Senior District Judge. (3:13-cv-00386-JRS)

---

Submitted: September 23, 2014      Decided: September 25, 2014

---

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Jerome Usher, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerome Usher seeks to appeal the district court's order dismissing without prejudice his 28 U.S.C. § 2254 (2012) petition. The district court dismissed for failure to comply with the court's orders to complete the standardized form for § 2254 petitions and failure to respond to the show cause order regarding exhaustion of state court remedies. 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 that Usher seeks to appeal is neither a final order nor an appealable interlocutory or collateral order, as Usher may re-file his § 2254 petition in compliance with court orders. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we deny permission to proceed in forma pauperis and dismiss the appeal for lack of jurisdiction. We deny Usher's motion for appointment of counsel.

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