

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-6048**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MALCOLM DEMON TYLER, a/k/a Milt,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. John S. Kaul, Magistrate Judge. (5:13-cr-00009-FPS-JSK-2; 5:14-cv-00115-FPS-JSK)

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Submitted: June 17, 2015

Decided: June 25, 2015

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Before KEENAN, WYNN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Malcolm Demon Tyler, Appellant Pro Se. Tara Noel Tighe, Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Malcolm Demon Tyler seeks to appeal the magistrate judge's report and recommendation in this action under 28 U.S.C. § 2255 (2012). 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 Tyler 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 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