

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6486

VEOTIS HARDING,

Petitioner - Appellant,

v.

JOHN W. OWENS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:13-hc-02212-BO)

Submitted: August 27, 2015

Decided: September 3, 2015

Before WILKINSON and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Veotis Harding, Appellant Pro Se. Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Veotis Harding seeks to appeal the district court's order construing his "motion of actual innocence" as one under 28 U.S.C. § 2255 (2012), and docketing it within his criminal case. The motion is proceeding in Harding's criminal docket.* 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 Harding 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

* Although the clerk's order accompanying the district court's order states that "respondent's motion to dismiss is granted and this action is hereby dismissed," the motion is proceeding under Harding's criminal docket. Thus, the clerk's order is erroneous.