

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6460

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEVERNE SILVER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:04-cr-00062-BR-1; 5:15-cv-00674-BR)

Submitted: June 20, 2017

Decided: June 23, 2017

Before SHEDD, WYNN, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Leverne Silver, Appellant Pro Se. Eric David Goulian, OFFICE OF THE UNITED STATES ATTORNEY, Jennifer P. May-Parker, Assistant United States Attorney, Stephen Aubrey West, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leverne Silver filed a notice of appeal after the Federal Public Defender moved to withdraw from representation in Silver's 28 U.S.C. § 2255 (2012) proceeding. Our review of the district court's docket reveals that both Silver's § 2255 motion, and the Government's motion to dismiss, remain pending in the district court. Because there is no order from which Silver may appeal, we dismiss this appeal. 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