

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6888**

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WESLEY THOMAS GALLOP, JR.,

Petitioner - Appellant,

v.

HAROLD W. CLARKE,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Lawrence Richard Leonard, Magistrate Judge. (2:16-cv-00596-MSD-LRL)

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Submitted: November 16, 2017

Decided: November 21, 2017

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Before GREGORY, Chief Judge, and TRAXLER and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Wesley Thomas Gallop, Jr., Appellant Pro Se. Eugene Paul Murphy, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wesley Thomas Gallop, Jr., seeks to appeal the magistrate judge's order denying his motion for appointment of counsel and the magistrate judge's report recommending that Gallop's 28 U.S.C. § 2254 (2012) petition be denied. 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 denying Gallop's motion for appointment of counsel and the magistrate judge's report and recommendation are neither final orders nor appealable interlocutory or collateral orders. Accordingly, we deny Gallop's motion for a certificate of appealability, deny leave to proceed in forma pauperis, and 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*