UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-7384

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLIE THOMPSON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, Chief District Judge. (1:14-cr-00286-TDS-1; 1:15-cr-00180-TDS-1; 1:16-cv-00879-TDS-JLW)

Submitted: March 8, 2018 Decided: March 14, 2018

Before GREGORY, Chief Judge, and NIEMEYER and KING, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Charlie Thompson, Appellant Pro Se. Kyle David Pousson, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charlie Thompson seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2255 (2012) motion. 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). Because the district court failed to address Thompson's claim based on *Dean v. United States*, 137 S. Ct. 1170 (2017), the order Thompson seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Porter v. Zook*, 803 F.3d 694, 696-97 (4th Cir. 2015). Accordingly, we dismiss the appeal for lack of jurisdiction and remand the case to the district court for consideration of Thompson's *Dean* claim. We express no opinion on the merits of any of Thompson's claims. 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 AND REMANDED