

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-7551

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RASEAN BARKER,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Michael F. Urbanski, Chief District Judge. (7:13-cr-00072-MFU-RSB-1; 7:16-cv-80975-MFU-RSB)

Submitted: March 20, 2018

Decided: March 29, 2018

Before WILKINSON, MOTZ, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rasean Barker, Appellant Pro Se. Jennifer R. Bockhorst, Assistant United States Attorney, Abingdon, Virginia; Charlene Rene Day, Assistant United States Attorney, Roanoke, Virginia; Jean Barrett Hudson, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rasean Barker seeks to appeal, prior to his resentencing, the district court's order granting him 28 U.S.C. § 2255 (2012) relief. 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 Barker seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Andrews v. United States*, 373 U.S. 334, 340 (1963) (district court order granting a future resentencing is not immediately appealable because it does not complete the § 2255 proceeding). 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