

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-7636

ROBERT E. TIPPENS, JR.,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director of VA D.O.C.,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. Roderick Charles Young, Magistrate Judge. (3:17-cv-00784-HEH-RCY)

Submitted: April 17, 2018

Decided: April 19, 2018

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

Dismissed by unpublished per curiam opinion.

Robert Earl Tippens, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert E. Tippens, Jr., seeks to appeal the magistrate judge's order rejecting his 28 U.S.C. § 2254 (2012) petition and directing him to refile his claims as a 42 U.S.C. § 1983 (2012) action. 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, 545-47 (1949). Because Tippens may remedy the deficiency by refiling his claims using the correct forms, we conclude that the order Tippens seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623-24 (4th Cir. 2015); *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1066-67 (4th Cir. 1993).

Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal for lack of jurisdiction. We also deny as moot Tippens' motions for bail or release pending appeal and for a stay. 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