

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-1870**

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LTC ROBERT J. SHOLTIS,

Petitioner - Appellant,

v.

DEPARTMENT OF DEFENSE,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:18-mc-00012-LMB-JFA)

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Submitted: February 26, 2019

Decided: February 28, 2019

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Before KING, THACKER, and QUATTLEBAUM, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Robert J. Sholtis, Appellant Pro Se. Gerard John Mene, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert J. Sholtis seeks to appeal the district court's order denying his motion to quash a subpoena filed pursuant to the Customer Challenge provisions of the Right to Financial Privacy Act of 1978, 12 U.S.C. § 3410 (2012). We dismiss the appeal for lack of jurisdiction.

When a government authority seeks to subpoena a customer's financial records from a financial institution, that customer may file a motion to quash the subpoena under 12 U.S.C. § 3410(a). However, "[a] court ruling denying a motion or application under this section shall not be deemed a final order and no interlocutory appeal may be taken therefrom by the customer." 12 U.S.C. § 3410(d). A customer may appeal the denial of a motion to quash "as part of any appeal from a final order in any legal proceeding initiated against him arising out of or based upon the financial records," or "within thirty days after a notification that no legal proceeding is contemplated against him." *Id.*

We lack jurisdiction to hear Sholtis' appeal because there is no final order from a legal proceeding arising from or based on the financial records, not has there been a notification that no legal proceeding is contemplated against him. Therefore, we dismiss the 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*