

UNPUBLISHED

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

No. 18-6024

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEPHEN ARTHUR ROBINETTE,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:11-cr-00400-WO-1; 1:17-cv-01132)

Submitted: March 13, 2018

Decided: March 16, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Stephen Arthur Robinette, Appellant Pro Se. Angela Hewlett Miller, Anand P. Ramaswamy, Assistant United States Attorneys, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stephen Arthur Robinette seeks to appeal the magistrate judge's report and recommendation recommending that his 28 U.S.C. § 2255 (2012) motion be dismissed without prejudice. 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 Robinette seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See In re Bryson*, 406 F.3d 284, 288 (4th Cir. 2005); *Haney v. Addison*, 175 F.3d 1217, 1219 (10th Cir. 1999); *Aluminum Co. of Am. v. U.S. Envtl. Prot. Agency*, 663 F.2d 499, 501-02 (4th Cir. 1981). 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