

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6191

ERIC MARIO BYERS,

Petitioner,

v.

LANE,

Respondent.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:16-cv-01290-CMH-MSN)

Submitted: May 24, 2018

Decided: May 30, 2018

Before NIEMEYER, MOTZ, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Eric Mario Byers, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric Mario Byers petitions for permission to appeal under 28 U.S.C. § 1292(b) (2012) the district court's order denying without prejudice his motion to subpoena witnesses. 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). Byers was instructed that the interlocutory order to be reviewed must be certified by the district court in accordance with 28 U.S.C. §1292(b). Because the order has not been certified and Byers does not seek to withdraw his petition for permission to appeal, 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