

**UNPUBLISHED**

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

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**No. 18-6962**

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MAECHEL SHAWN PATTERSON,

Petitioner - Appellant,

v.

ENNIS OATES, Superintendent,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:12-hc-02063-D)

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Submitted: September 14, 2018

Decided: October 16, 2018

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Before GREGORY, Chief Judge, KEENAN, Circuit Judge, and SHEDD, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Maechel Shawn Patterson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Maechel Shawn Patterson, a state prisoner, seeks this court's review of his Fed. R. Civ. P. 59(e) motion to alter or amend the district court's October 3, 2012, judgment in his 28 U.S.C. § 2254 (2012) proceeding. The district court has not yet issued an order ruling on Patterson's Rule 59(e) motion. Thus, there is no appealable order related to that motion for us to review.\* Accordingly, we deny leave to proceed in forma pauperis, deny Patterson's motion to amend the district court's judgment, and 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*

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\* Patterson's informal brief also cannot be construed as the functional equivalent of a notice of appeal from the October 2012 judgment, as it was not filed within the appeal period applicable to that judgment. *See* Fed. R. Civ. P. 4(a)(1)(A); *Smith v. Barry*, 502 U.S. 244, 248-49 (1992); *see also* Fed. R. App. P. 4(c) (prison mailbox rule); *Houston v. Lack*, 487 U.S. 266, 276 (1988) (same).