

UNPUBLISHED

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

No. 18-7236

DARYLL KEITH SHUMAKE,

Plaintiff - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Leonie M. Brinkema, District Judge. (1:18-cv-01170-LMB-MSN)

Submitted: March 13, 2019

Decided: March 26, 2019

Before GREGORY, Chief Judge, and NIEMEYER and DIAZ, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Daryll Keith Shumake, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daryll Keith Shumake seeks to appeal the district court's orders directing him to file an amended 28 U.S.C. § 2254 (2012) petition on the court's standardized form and denying his motions to appoint counsel. 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 orders that Shumake seeks to appeal are neither final orders nor appealable interlocutory or collateral orders. Accordingly, we deny leave to proceed in forma pauperis, deny the pending motions, dismiss the appeal for lack of jurisdiction, and remand to the district court with instructions to allow Shumake another opportunity to file the amended § 2254 petition as directed. 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 AND REMANDED