

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6697

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON STEVEN KOKINDA,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Thomas S. Kleeh, Chief District Judge. (2:21-cr-00020-TSK-MJA-1; 2:23-cv-00003-TSK)

Submitted: November 3, 2023

Decided: November 28, 2023

Before AGEE and THACKER, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jason Steven Kokinda, Appellant Pro Se. Brandon Scott Flower, Assistant United States Attorney, Sarah Wagner, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In this case, Appellant Jason Steven Kokinda appealed the district court's order dismissing his 28 U.S.C. § 2255 motion. *United States v. Kokinda*, Nos. 2:21-cr-00020-TSK-MJA-1; 2:23-cv-00003-TSK (N.D.W. Va. June 6, 2023). The court dismissed the motion for lack of jurisdiction because Appellant's direct appeal, *United States v. Kokinda*, No. 22-4595, remains pending, and the direct appeal substantially overlapped with Appellant's § 2255 motion. We have reviewed the record and find no reversible error.

Appellant also filed on October 23, 2023 a third motion for bail or release pending appeal. *See United States v. Kokinda*, No. 23-6697 (4th Cir. Oct. 23, 2023), ECF No. 25. We previously dismissed Appellant's first motion for release. ECF No. 13. Appellant filed a second motion for release, ECF No. 22, which we denied in an order dated November 3, 2023, ECF No. 28. We have reviewed Appellant's third motion for release and find that it presents no meritorious grounds. Accordingly, we deny Appellant's third motion for release on bail pending 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.

AFFIRMED