

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-6936**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN SAMUEL LEIGH, a/k/a J. R., a/k/a J.D.,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, District Judge. (3:00-cr-00057-GMG-RWT-25)

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Submitted: April 18, 2024

Decided: April 19, 2024

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Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

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Dismissed and remanded by unpublished per curiam opinion.

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John Samuel Leigh, Appellant Pro Se. Sarah Wagner, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Samuel Leigh seeks to appeal the district court's order denying his motion seeking a sentence reduction under 18 U.S.C. § 3582(c)(1)(B), (c)(2) and § 404(b) of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). "Ordinarily, a district court order is not final until it has resolved *all* claims as to all parties." *Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015) (internal quotation marks omitted).

Our review of the record reveals that the district court did not adjudicate all of the claims raised in the motion. *Id.* at 696-97. Specifically, the court failed to address Leigh's arguments for a sentence reduction under § 3582(c)(1)(B) and § 404(b) of the First Step Act. We conclude that the order Leigh seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction and remand to the district court for consideration of the unresolved claim. *Id.* at 699.

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*