

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4183

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

YOKO MIZUNO BENDA,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CR-96-52)

Submitted: June 12, 2002

Decided: July 12, 2002

Before WIDENER, WILKINS, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William H. Cleaveland, RIDER, THOMAS, CLEAVELAND, FERRIS & EAKIN, Roanoke, Virginia, for Appellant. Ruth Elizabeth Plagenhoef, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Yoko Mizuno Benda appeals the district court's order denying her motion to dismiss an indictment and her motion for disclosure of grand jury materials. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory or collateral order. See United States v. Ferguson, 246 F.3d 129, 138 (2nd Cir. 2001).

We dismiss the appeal as interlocutory. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED