

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6018

VICTOR PERKINS,

Petitioner - Appellant,

versus

G. ALAN DUBOIS, Assistant Federal Public
Defender,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. W. Earl Britt, Senior
District Judge. (CA-01-806-5-BR)

Submitted: March 27, 2002

Decided: April 16, 2002

Before NIEMEYER and MICHAEL, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Victor Perkins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

On December 3, 2001, Victor B. Perkins filed a notice of appeal. We dismiss the appeal for lack of jurisdiction because there was no district court order being appealed. 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 district court's subsequent entry of final judgment did not validate the notice of appeal because Perkins did not file the notice of appeal from a district court order. In addition, the informal brief filed in this court could not be construed as a notice of appeal because it was not the functional equivalent of such a notice. Fed. R. App. P. 3(c); Smith v. Barry, 502 U.S. 244, 248 (1992).

We deny a certificate of appealability and 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