

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-5105

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID M. KISSI; EDITH TRUVILLION KISSI,

Defendants - Appellants.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (03-cr-473-PJM)

Submitted: July 9, 2007

Decided: August 2, 2007

Before WILKINSON and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

David M. Kissi, Edith Truvillion Kissi, Appellants Pro Se. Christopher Bowman Mead, LONDON & MEAD, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David M. Kissi and Edith Truvillion Kissi seek to appeal the district court's order finding them in criminal contempt and imposing sentences upon them. Subsequent to the filing of the Kissis' notice of appeal, the district court vacated their sentences and referred the matter to the United States Attorney's Office. It does not appear that further action has been taken either by the United States Attorney's Office or the district court.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). Because the district court vacated the sentences imposed upon the Kissis, the order they seek to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. 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