

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6702**

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DUNCAN VICTOR AYEMERE IDOKOGI,

Petitioner - Appellant,

versus

JOHN ASHCROFT, Attorney General of the United  
States; JOHN JOSEPH CURRAN, JR.,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Benson Everett Legg, Chief District Judge.  
(CA-04-230-L)

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Submitted: August 12, 2004

Decided: August 19, 2004

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Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Duncan Victor Ayemere Idokogi, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Duncan Victor Ayemere Idokogi seeks to appeal the district court's order transferring his 28 U.S.C. § 2241 (2000) petition to the United States District Court for the Eastern District of Louisiana, and to the extent Idokogi's petition sought to attack his 1998 state conviction under 28 U.S.C. § 2254 (2000) denying his petition as a successive habeas petition. We dismiss the appeal of the order transferring the case for lack of jurisdiction because the order is not appealable. 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). The order here appealed is neither a final order nor an appealable interlocutory or collateral order. See Technosteel, L.L.C. v. Beers Constr. Co., 271 F.3d 151, 153-54 & n.2 (4th Cir. 2001).

We also dismiss the appeal of that part of the district court's order that denied Idokogi's petition as a successive habeas petition. An appeal may not be taken from the final order in a § 2254 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by

demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Idokogi has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss this portion of the appeal.

We deny Idokogi's motions for stay pending appeal and to place the case in abeyance. 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