

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6754

STANFORD CAIN,

Petitioner - Appellant,

v.

GENE M. JOHNSON, Director of the Virginia Department of
Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Robert G. Doumar, Senior
District Judge; James E. Bradberry, Magistrate Judge. (2:08-cv-
00186-RGD-JEB)

Submitted: July 16, 2008

Decided: September 8, 2008

Before WILKINSON, NIEMEYER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Stanford Cain, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stanford Cain seeks to appeal the magistrate judge's orders denying his motion for a stay and motion for sanctions, as well as the district court's order denying his motion for leave to proceed in forma pauperis.

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, 545-47 (1949). The magistrate judge's orders denying Cain's motions for a stay and for sanctions are neither final orders nor appealable interlocutory or collateral orders. Accordingly, we dismiss Cain's appeal from those orders for lack of jurisdiction.

In addition, this court may only exercise jurisdiction over the judgments or issues that are specifically referred to or impliedly intended for appeal, as designated in the notice of appeal. Foster v. Tandy Corp., 828 F.2d 1052, 1059 (4th Cir. 1987); see also Fed. R. Civ. P. 3(a)(1). Cain's only notice of appeal – filed before the entry of the district court's order denying him leave to proceed in forma pauperis – specifically states that he is appealing from the magistrate judge's April 25, 2008 order denying his motion for a stay. Accordingly, we dismiss the appeal from the May 14, 2008 order denying leave to proceed in forma pauperis for lack of jurisdiction as well. We note that this

rationale also independently supports dismissal of the appeal from the order denying sanctions.

Finally, we deny Cain's motion filed in this court to proceed in forma pauperis. 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