

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6283**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID MICHAEL WOODWARD,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:02-cr-00673-TLW-1)

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Submitted: August 27, 2009

Decided: October 1, 2009

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Before NIEMEYER, MICHAEL, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David Michael Woodward, Appellant Pro Se. William E. Day, II, Assistant United States Attorney, Florence, South Carolina, Winston David Holliday, Jr., Assistant United States Attorney, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Michael Woodward seeks to appeal the district court's order granting leave to amend his successive motion under 28 U.S.C.A. § 2255 (West Supp. 2009), or petition this court for authorization to file a successive § 2255 motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Woodward seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny leave to proceed in forma pauperis and 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

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\* Although we express no opinion on the merits of the order Woodward seeks to appeal, we note that a resentencing under Fed. R. Crim. P. 35(b) does not restart the clock on the one-year limitations period for motions under 28 U.S.C.A. § 2255 (West Supp. 2009). United States v. Sanders, 247 F.3d 139, 144 (4th Cir. 2001).