

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7088

JAMES VANG,

Petitioner - Appellant,

v.

JON OZMIT, Director of SCDC; WARDEN OF PERRY CORRECTIONAL
INSTITUTION,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Henry F. Floyd, District Judge.
(0:08-cv-02829-HFF-PHG)

Submitted: January 14, 2010

Decided: February 17, 2010

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Vang, Appellant Pro Se. Donald John Zelenka, Deputy
Assistant Attorney General, Alphonso Simon, Jr., SOUTH CAROLINA
ATTORNEY GENERAL'S OFFICE, Columbia, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Vang seeks to appeal the district court's order overruling Vang's objections to the magistrate judge's order denying his "Motion in Abeyance and/or Stay of Habeas Corpus." 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 Vang seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny Vang's motion for stay pending appeal and dismiss the appeal for lack of jurisdiction. Vang's motion for a certificate of appealability is denied as unnecessary. 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