

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1791

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALAN B. FABIAN,

Defendant - Appellant,

JACKIE FABIAN,

Claimant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (1:07-cr-00355-CCB-1)

Submitted: February 28, 2011

Decided: March 4, 2011

Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Alan B. Fabian, Jackie Fabian, Appellants Pro Se. Jonathan Biran, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jackie and Alan Fabian seek to appeal the district court's order granting the Government's emergency motion, clarifying that the final order of forfeiture did not extinguish the lien on a parcel of real property, and noting that contingent relief may be appropriate depending on the outcome of the collateral litigation. 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, 545-46 (1949). The order the Fabians seek to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny the Fabians' motion for appointment of counsel 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