

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1570

STEVEN BENEZRA, individually; MELISSA YORK, individually,

Plaintiffs - Appellants,

v.

ZACKS INVESTMENT RESEARCH, INC., inclusive, individually;
ZACKS INVESTMENT MANAGEMENT, INC., inclusive, individually;
LEONARD HARVEY ZACKS, inclusive, individually; BENJAMIN LAIB
ZACKS, inclusive, individually; MITCHEL ETHAN ZACKS,
inclusive, individually,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. Thomas D. Schroeder,
District Judge. (1:11-cv-00596-TDS-LPA)

Submitted: November 30, 2012

Decided: December 13, 2012

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Paul A. Demontesquiou, THE LAW OFFICES OF WALSH & DEMONTESQUIOU,
Marvin, North Carolina, for Appellants. Tobias S. Hampson,
David N. Jonson, WYRICK, ROBBINS, YATES & PONTON, Raleigh, North
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Benezra and Melissa York seek to appeal the district court's order denying their request for a hearing, compelling arbitration, and staying the case pending arbitration. Section 16 of the Federal Arbitration Act governs appellate review of arbitration orders. 9 U.S.C. § 16 (2006). Section 16(a)(3) provides that "[a]n appeal may be taken from . . . a final decision with respect to an arbitration." However, § 16(b)(1) provides that "an appeal may not be taken from an interlocutory order . . . granting a stay of any action under section 3 of this title." The order Benezra seeks to appeal is not a final decision with respect to an arbitration, but rather an interlocutory order granting a stay. See Green Tree Fin. Corp.-Ala. v. Randolph, 531 U.S. 79, 87 n.2 (2000). Accordingly, we 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 this court and argument would not aid the decisional process.

DISMISSED