

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-6609**

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KELVIN ALLEN MCNEIL,

Petitioner - Appellant,

v.

KEITH WHITENER,

Respondent - Appellee,

and

STATE OF NORTH CAROLINA,

Respondent.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. James C. Fox, Senior  
District Judge. (5:11-hc-02058-F)

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Submitted: July 24, 2012

Decided: September 6, 2012

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Before GREGORY and THACKER, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Kelvin Allen McNeil, Appellant Pro Se. Mary Carla Hollis,  
Assistant Attorney General, Raleigh, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kelvin Allen McNeil seeks to appeal from his pending 28 U.S.C. § 2254 (2006) petition.\* 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). Neither a final order nor an appealable interlocutory or collateral order has been entered in McNeil's case. 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 the court and argument would not aid the decisional process.

DISMISSED

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\* To the extent McNeil seeks to appeal his North Carolina state court conviction to this court, we lack jurisdiction to review state court orders. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).