

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7929**

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MICHAEL WAYNE COLEY,

Petitioner - Appellant,

v.

JOSEPH B. HALL,

Respondent - Appellee.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., District Judge. (1:13-cv-00484-JAB-JLW)

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Submitted: February 27, 2014

Decided: March 5, 2014

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Before NIEMEYER, KING, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Michael Wayne Coley, Appellant Pro Se. Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Wayne Coley seeks to appeal from the magistrate judge's report and recommendation that recommends denying as untimely his 28 U.S.C. § 2254 (2012) petition. The district court has not acted on the recommendation. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Coley seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. 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