

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6825

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROGER CHARLES DAY, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. John A. Gibney, Jr., District Judge. (3:07-cr-00154-JAG-3)

Submitted: September 9, 2015 Decided: September 14, 2015

Before SHEDD, WYNN, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Roger Charles Day, Jr., Appellant Pro Se. Ryan Scott Faulconer, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia; Elizabeth Wu, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roger Charles Day, Jr., seeks to appeal the district court's orders denying his motion to recuse the district judge and his motion for six months equitable tolling to file a supplemental 28 U.S.C. § 2255 (2012) motion. 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 orders Day seeks to appeal are neither final orders nor appealable interlocutory or collateral orders.* 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

* Day has also filed a notice of appeal asserting that the criminal judgment in his case was amended on July 6, 2015. The district court record does not contain any order on July 6, 2015, amending Day's criminal judgment, and the letter Day received from the United States Attorney is not an appealable order.