

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7378

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARVIN BREWER,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Richard L. Voorhees, Chief District Judge. (CR-90-231-A, CA-95-178-1-V)

Submitted: December 30, 1997

Decided: January 15, 1998

Before NIEMEYER, HAMILTON, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Marvin Brewer, Appellant Pro Se. William Mark Boyum, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's order dismissing six of seven claims contained in his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997). We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, see 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, see 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory or collateral order.

We therefore dismiss the appeal as interlocutory. 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