

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7321**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FULTON LEE HINEBAUGH,

Defendant - Appellant.

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**No. 98-7322**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FULTON LEE HINEBAUGH,

Defendant - Appellant.

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Appeals from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (CR-94-65, CA-98-152-1)

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Submitted: February 11, 1999

Decided: February 24, 1999

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Before ERVIN, NIEMEYER, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Fulton Lee Hinebaugh, Appellant Pro Se. Thomas Richard Ascik,  
OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Fulton Lee Hinebaugh appeals from two orders arising out of his motion filed under 28 U.S.C.A. § 2255 (West Supp. 1998). We dismiss the appeals for lack of jurisdiction because the orders are 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 orders here appealed are neither final orders nor appealable interlocutory or collateral orders.

We deny a certificate of appealability and dismiss the appeals as interlocutory. We also deny Hinebaugh's motions for the appointment of counsel and for additional time to file a traverse to the Government's response. 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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\* In the first order, from which Hinebaugh appeals, the district court dismissed all but one of Hinebaugh's claims; in the second order, the district court denied Hinebaugh's motions to appoint counsel, withdraw the action, and to recuse the district court judge.