

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7117

GARY D. BUCKOM,

Petitioner - Appellant,

versus

CARLA O'KONEK,

Respondent - Appellee.

No. 99-7463

GARY D. BUCKOM,

Petitioner - Appellant,

versus

CARLA O'KONEK,

Respondent - Appellee.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-99-178-5-BR)

Submitted: December 16, 1999

Decided: December 21, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Gary D. Buckom, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gary D. Buckom seeks to appeal the district court's orders lifting a stay (No. 99-7117), and denying relief on his habeas corpus petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999) (No. 99-7463). Buckom claims that the district court did not have jurisdiction to enter a final order in this case based on his appeal of the order lifting the stay. However, Buckom's interlocutory notice of appeal did not divest the district court of jurisdiction to enter a final decision in this case. See Cochran v. Birkel, 651 F.2d 1219, 1221-22 (6th Cir. 1981). We have reviewed the record and the district court's opinion and orders and find no reversible error in the lifting of the stay or the denial of his habeas corpus petition. Further, the district court correctly noted that Buckom's access to the courts claims are more properly raised in a complaint under 42 U.S.C.A. § 1983 (West Supp. 1999). Accordingly, we deny Buckom's motion for a certificate of appealability and dismiss the appeals on the reasoning of the district court. See Buckom v. O'Konek, No. CA-99-178-5-BR (E.D.N.C. July 27 & Sept. 28, 1999). 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