

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6355

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JUDLIN MORTIMER,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CR-96-176, CA-98-7)

Submitted: June 27, 2000

Decided: July 10, 2000

Before LUTTIG and WILLIAMS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Judlin Mortimer, Appellant Pro Se. Timika Shafeek, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Judlin Mortimer appeals the district court's order denying his motion for discovery. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 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.* North Carolina Ass'n of Black Lawyers v. North Carolina Bd. of Law Examiners, 538 F.2d 547, 548 (4th Cir. 1976) (same).

Accordingly, we 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

* It appears that Mortimer's motion for discovery should have been filed by the district court in the proceeding acting on his motion for return of property filed under Rule 41(e) of the Federal Rules of Criminal Procedure. This Court vacated the district court's order dismissing the Rule 41(e) motion and remanded for further proceedings. See United States v. Mortimer, 1999 WL 410127 (4th Cir. June 21, 1999) (No. 99-6321) (unpublished).