

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6677**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RYAN REECE LAMB,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Wallace W. Dixon, Magistrate Judge. (CR-02-199; CA-03-304-1)

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Submitted: September 16, 2004

Decided: September 21, 2004

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Before LUTTIG, KING, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ryan Reece Lamb, Appellant Pro Se. Lisa Blue Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ryan Reece Lamb seeks to appeal the magistrate judge's report and recommendation to deny relief on his 28 U.S.C. § 2255 (2000) motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders. 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The magistrate judge's report and recommendation that Lamb seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny a certificate of appealability and 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 the court and argument would not aid the decisional process.

DISMISSED

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\*Even if Lamb's notice of appeal was construed as appealing the district court's final order, entered on January 22, 2004, dismissal would be appropriate. Despite being warned of the consequences of failing to file timely objections to the magistrate judge's report and recommendation, Lamb failed to file timely objections and therefore has waived this court's review of the claims asserted in his § 2255 motion. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985).