

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6718

GEORGE F. CAUSEY,

Petitioner - Appellant,

versus

HENRY DARGON MCMASTER, Attorney General for
South Carolina; WARDEN, Lieber Correctional
Institution,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Sol Blatt, Jr., Senior District
Judge. (CA-04-843-2-08-AJ)

Submitted: January 13, 2005

Decided: January 19, 2005

Before WIDENER, NIEMEYER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

George F. Causey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George F. Causey seeks to appeal the magistrate judge's report* recommending that his 28 U.S.C. § 2254 (2000) petition be dismissed as successive. Rather than file objections to the report and recommendation, that would be considered by the district court, Causey filed a notice of appeal. 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 order Causey seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. See Haney v. Addison, 175 F.3d 1217, 1219 (10th Cir. 1999) (holding that absent both designation by the district court and consent of the parties under 28 U.S.C. § 636(c) (2000), a magistrate judge's recommendation is not a final appealable decision under 28 U.S.C. § 1291 (2000)). Accordingly, we 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

*The matter had been referred to the magistrate judge for a recommendation under 28 U.S.C. § 636(b)(1)(B) (2000).