

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6239

ROBERT HOLLAND KOON,

Petitioner - Appellant,

versus

COLIE RUSHTON, Warden of McCormick
Correctional Institution; HENRY DARGAN
MCMASTER, Attorney General of the State of
South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. R. Bryan Harwell, District Judge.
(8:05-cv-02523-RBH)

Submitted: June 15, 2007

Decided: June 21, 2007

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Holland Koon, Appellant Pro Se. Donald John Zelenka, William
Edgar Salter, III, OFFICE OF THE ATTORNEY GENERAL OF SOUTH
CAROLINA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Holland Koon seeks to appeal the district court's order denying his motion to stay federal proceedings pending resolution of his state court proceedings. The court's order also rejected the magistrate judge's recommendation that Koon's entire 28 U.S.C. § 2254 (2000) petition be dismissed and recommitted the matter to the magistrate judge for further proceedings. 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 Koon seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. 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