

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1284

In Re: WILLIAM NICHOLAS FORTESCUE, JR.,

Debtor.

WILLIAM NICHOLAS FORTESCUE, JR.,

Plaintiff - Appellant,

versus

JERRY E. KING, Auctioneer; KING AUCTION &
REALTY COMPANY, INCORPORATED; DAVID G. GRAY,
Attorney; WESTALL, GRAY & CONNOLLY, PA,

Defendants - Appellees.

Appeal from the United States District Court for the Western Dis-
trict of North Carolina, at Asheville. Lacy H. Thornburg, District
Judge. (MISC-97-3-1, BK-85-10291, AP-96-1396)

Submitted: July 10, 1997

Decided: July 22, 1997

Before RUSSELL, HALL, and MURNAGHAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Nicholas Fortescue, Jr., Appellant Pro Se. David G. Gray,
Jr., WESTALL, GRAY & CONNOLLY, Asheville, North Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying his motion to withdraw reference to the bankruptcy court. We dismiss the appeal for lack of jurisdiction because the order is not appealable. 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.

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