

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6892

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BASHAWN LEE HANBERRY, a/k/a Bo,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Russell A. Eliason, Magistrate Judge. (CR-94-185, CA-99-13-1)

Submitted: September 30, 1999

Decided: October 7, 1999

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bashawn Lee Hanberry, Appellant Pro Se. David Bernard Smith, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bashawn Lee Hanberry appeals a district court order denying his motion (1) to amend his motion filed pursuant to 28 U.S.C.A. § 2255 (West Supp. 1999); (2) to expand discovery; and (3) to serve newly discovered evidence. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, see 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders. See 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 deny a certificate of appealability and 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