

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6721

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RONALD T. MASKO,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., Senior District Judge. (5:99-cr-00013-FPS-JES-2)

Submitted: January 30, 2009

Decided: May 7, 2009

Before NIEMEYER, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ronald T. Masko, Appellant Pro Se. Robert Hugh McWilliams, Jr., Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald T. Masko seeks to appeal the district court's order denying his motion to reduce sentence as premature and without prejudice and denying his motion to appoint counsel. The court has since resumed proceedings and appointed counsel. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Masko seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the portion of the appeal denying Masko's motion to appoint counsel as moot and dismiss the remainder of the appeal for lack of jurisdiction. We deny Masko's motion for 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