

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6836

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROGER BYRD,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Statesville. Richard L.
Voorhees, District Judge. (5:97-cr-00109-RLV-1)

Submitted: September 10, 2009

Decided: September 15, 2009

Before KING, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Roger Byrd, Appellant Pro Se. Amy Elizabeth Ray, Assistant
United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roger Byrd filed a notice of appeal from a pleading filed by his counsel informing the district court that he was not eligible for a sentence reduction pursuant to Amendment 706 of the Sentencing Guidelines and 18 U.S.C. § 3582(c)(2) (2006). 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). Because counsel's pleading is not an appealable order, we dismiss the appeal. 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