

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6710

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL D. PAHUTSKI,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Martin K. Reidinger, District Judge. (3:07-cr-00211-MR-1; 3:12-cv-00308-MR)

Submitted: September 25, 2014

Decided: September 30, 2014

Before WILKINSON and AGEE, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Michael D. Pahutski, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina; Melissa Louise Rikard, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael D. Pahutski seeks to appeal the district court's April 21, 2014 order denying seven motions Pahutski filed while his 28 U.S.C. § 2255 (2012) motion was pending. For the reasons that follow, we dismiss this appeal.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). In the underlying order, the district court rejected Pahutski's motions to withdraw his guilty plea, for sanctions, to strike the Government's response to his § 2255 motion, and for an expedited ruling on his § 2255 motion. As to these rulings, the appealed-from order is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss this appeal in part for lack of jurisdiction.

The district court also rejected Pahutski's three motions for release or bail pending adjudication of his § 2255 motion. Although a district court's denial of such a request is an appealable collateral order, see, e.g., Pagan v. United States, 353 F.3d 1343, 1345-46 & n.4 (11th Cir. 2003) (adopting rule and collecting cases), in light of the district court's May 28, 2014 order denying the § 2255 motion, Pahutski's appeal of this aspect of the court's order is now moot. See Incumaa v.

Ozmint, 507 F.3d 281, 285-86 (4th Cir. 2007) (setting forth the principles of appellate mootness). We therefore dismiss the remainder of this appeal as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED