

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6537

MATTHEW BUDNEY,

Petitioner - Appellant,

v.

WRIGHT, Sheriff, Spartanburg, South Carolina; ATTORNEY GENERAL OF THE
STATE OF SOUTH CAROLINA,

Respondents - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at
Asheville. Martin K. Reidinger, Chief District Judge; Terrence W. Boyle, District Judge.
(1:22-cv-00074-MR)

Submitted: November 2, 2022

Decided: January 10, 2023

Before RUSHING and HEYTENS, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Matthew Budney, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Matthew Budney appeals the district court's order dismissing his challenge to several South Carolina warrants for failure to exhaust and transferring his 28 U.S.C. § 2254 petition challenging his North Carolina convictions. Insofar as Budney challenges the South Carolina warrants, we dismiss the appeal as moot. We also dismiss the appeal from that portion of the district court's order transferring Budney's 28 U.S.C. § 2254 petition to another district court. We may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). That portion of the court's order transferring the § 2254 petition is an unappealable interlocutory order. See *Van Orman v. Purkett*, 43 F.3d 1201, 1202-03 (8th Cir. 1994); *Dobard v. Johnson*, 749 F.2d 1503, 1507 (11th Cir. 1985).

Accordingly, we dismiss the appeal. We also deny Budney's motions to stop extradition, appoint counsel, and supplement the record. 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