

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6297

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MALCOLM ONEIL THOMAS, a/k/a Fresh,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Terry L. Wooten, Senior District Judge. (3:17-cr-00136-TLW-4; 3:21-cv-01052-TLW)

Submitted: February 13, 2025

Decided: April 14, 2025

Before AGEE, Circuit Judge, and TRAXLER and FLOYD, Senior Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Malcolm Oneil Thomas, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Malcolm Oneil Thomas seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 motion. This court 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). "Ordinarily, a district court order is not final until it has resolved *all* claims as to all parties." *Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015) (internal quotation marks omitted).

Our review of the record reveals that the district court did not adjudicate all of the claims Thomas raised. Specifically, the court failed to address Thomas's claim that counsel rendered ineffective assistance at the first plea hearing by failing to move the court to accept Thomas's straight up guilty plea prior to the Government's anticipated filing of a 21 U.S.C. § 851 information that would increase Thomas's statutory sentencing range. We therefore conclude that the order Thomas seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny as moot Thomas's motion to expedite, dismiss the appeal for lack of jurisdiction, and remand to the district court for consideration of the unresolved claim. *See id.* at 699.

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 AND REMANDED