

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7086**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID A. HICKS,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (2:05-cr-00040-1)

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Submitted: December 15, 2011

Decided: December 20, 2011

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Before GREGORY, SHEDD, and DAVIS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David A. Hicks, Appellant Pro Se. Gary L. Call, Steven Loew, Assistant United States Attorneys, Betty Adkins Pullin, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David A. Hicks seeks to appeal the district court's order affirming the magistrate judge's orders denying Hicks' motion seeking discovery from the Government and his motion to submit photographs. 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, 545-46 (1949). The order Hicks seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. 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