

FILED: December 12, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-4412
(1:16-cr-00151-MR-DLH-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAY LEONARD STAMPER, III,

Defendant - Appellant.

O R D E R

Ray Leonard Stamper, III, seeks to appeal the magistrate judge's order committing him to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d) (2012), after the magistrate judge concluded that Stamper was not competent to proceed to trial. The Government has moved to dismiss the appeal because Stamper failed to object to the magistrate judge's order in the district court, filing a notice of appeal to this court instead. The jurisdiction of this court to review cases originating in the district court is limited to final decisions and certain specified interlocutory orders from those courts. 28 U.S.C. §§ 1291, 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949). Because Stamper failed to object to the magistrate judge's order in the

district court, as Fed. R. Crim. P. 59(a) requires, there is no final order of the district court. In addition, the magistrate judge's order does not fall within any exception to the final-judgment rule. *See United States v. Ecker*, 923 F.2d. 7, 8-9 (1st Cir. 1991). Accordingly, although we grant Stamper's motion to proceed in forma pauperis, we GRANT the Government's motion to dismiss the appeal. We also deny Stamper's motions for discovery and to proceed pro se on appeal.

Entered at the direction of the panel: Judge Niemeyer, Judge Agee, and Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk