

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7216

ROBERT KERRY PISTNER,

Plaintiff - Appellant,

versus

UNNAMED DEFENDANTS; DIRECTOR, NORTHERN VIRGINIA MENTAL HEALTH INSTITUTE IN 1981, Dr. Smart as indicated on 3/6/00 motion to amend by plaintiff; DOCTOR GLICK, Western State Hospital; DOCTOR WANGLER, Western State Hospital; DOCTOR PEARCE, Western State Hospital; DOCTOR SHANNON, Western State Hospital; DIRECTORS, WESTERN STATE HOSPITAL, 1995-Present, L. Harding and Dr. Barber as named by defendant in 3-6-00 motion to amend; DOCTOR SMART, Director of Northern Virginia Mental Health Institute; L. F. HARDING, Directors of Western State Hospital; DOCTOR BARBER, Directors of Western State Hospital,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CA-00-22-7)

Submitted: January 18, 2001

Decided: February 7, 2001

Before WIDENER and MICHAEL, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Robert Kerry Pistner, Appellant Pro Se. Dana Martin Johnson,
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Robert Kerry Pistner appeals from the district court's order granting summary judgment to all but one of the defendants in this 42 U.S.C.A. § 1983 (West Supp. 2000) action. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory or collateral order.

We deny the motion for appointment of counsel and to expedite consideration of the appeal and dismiss the appeal as interlocutory. 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