

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1985

KENNETH L. SMITH, JR.,

Plaintiff - Appellant,

versus

GERALDINE MIRO, Warden, Allendale Correctional Institution, sued in her individual and official capacity; L. COHEN, Classification Supervisor of the Allendale Correctional Institution, sued in his individual and official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Aiken. Henry M. Herlong, Jr., District Judge. (CA-00-3231-1-20AK)

Submitted: November 8, 2001

Decided: November 15, 2001

Before WILKINS, MICHAEL, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kenneth L. Smith, Jr., Appellant Pro Se. Isaac McDuffie Stone, III, LAW OFFICE OF DUFFIE STONE, Bluffton, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth L. Smith, Jr., appeals from the magistrate judge's recommendation to grant the Defendants' motion for summary judgment in Smith's civil 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 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