

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-2410

GARY L. DETEMPLE,

Plaintiff - Appellant,

versus

MARK D. PANEPINTO, successor to United National Bank, successor to Fed One Bank doing business as Eastern Development Company; UNITED NATIONAL BANK; WEST VIRGINIA DEPARTMENT OF TAX AND REVENUE; B. K. WATTS, Unit Manager, Internal Auditing Division, in his individual capacity; UNITED STATES DEPARTMENT OF JUSTICE; RITA R. VALDRINI, in her individual capacity,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., District Judge. (CA-99-145-5)

Submitted: May 31, 2002

Decided: June 13, 2002

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

Dismissed by unpublished per curiam opinion.

Gary L. DeTemple, Appellant Pro Se. Mark D. Panepinto, Wheeling, West Virginia; George James Anetakis, Weirton, West Virginia; William David Wilmoth, STEPTOE & JOHNSON, Wheeling, West Virginia; Helen Campbell Altmeyer, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gary L. DeTemple appeals from the district court's order denying his Fed. R. Civ. P. 59 motion to vacate a prior order dismissing one of the named defendants in the underlying proceeding. 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. In light of this disposition, we also deny DeTemple's motions for clarification, for production of documents, and for stay pending appeal, as well as United National Bank's motions to deny further extensions, to dismiss the case, and to strike DeTemple's informal brief and response to its motion to dismiss. 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