

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 01-6537

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BART FITZGERALD MCCLAIN,

Plaintiff - Appellant,

versus

NORTH CAROLINA DEPARTMENT OF CORRECTION,  
Avery-Mitchell Facility; OFFICER FOX; OFFICER  
EDWARDS,

Defendants - Appellees,

and

MARTY LOUDERMILK, Detective; CHRIS WARREN,  
Detective at Alexander County Sheriff's  
Department,

Defendants.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Graham C. Mullen, Chief  
District Judge. (CA-01-20-1-MU-2)

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Submitted: November 8, 2001

Decided: November 15, 2001

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Before WILKINS, MICHAEL, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Bart Fitzgerald McClain, Appellant Pro Se. Deborrah Lynn Newton, Assistant Attorney General, James Philip Allen, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bart Fitzgerald McClain appeals the district court's order denying his motion to compel. 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