

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7918**

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BART FITZGERALD MCCLAIN,

Plaintiff - Appellant,

versus

NORTH CAROLINA DEPARTMENT OF CORRECTION,  
Avery-Mitchell Facility; OFFICER FOX; OFFICER  
EDWARDS; CODY BLAKE STEWART, Correctional  
Officer; BRUCE C. CARPENTER, Correctional  
Officer; JAY CARTER, Lieutenant,

Defendants - Appellees,

and

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

Defendants.

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**No. 01-7999**

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BART FITZGERALD MCCLAIN,

Plaintiff - Appellant,

versus

NORTH CAROLINA DEPARTMENT OF CORRECTION,  
Avery-Mitchell Facility; OFFICER FOX; OFFICER  
EDWARDS; CODY BLAKE STEWART, Correctional  
Officer; BRUCE C. CARPENTER, Correctional  
Officer; JAY CARTER, Lieutenant,

Defendants - Appellees,

and

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

Defendants.

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Appeals 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: April 18, 2002

Decided: April 25, 2002

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Before MOTZ, TRAXLER, and GREGORY, 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Dismissed by unpublished per curiam opinion.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, Roy Cooper, 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Unpublished opinions are not binding precedent in this circuit.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 orders dismissing fewer than all the claims and parties in McClain's complaint filed pursuant to 42 U.S.C.A. § 1983 (West Supp. 2001) (No. 01-7918), and dismissing McClain's "Motion to Show Cause For the Removal of Counsel" (No. 01-7999). We dismiss the appeals for lack of jurisdiction because the orders are 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 orders here appealed are neither final orders nor appealable interlocutory or collateral orders.

We dismiss the appeals 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