

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6894

LIONELL ELIJAH EPHRAIM,

Plaintiff - Appellant,

versus

RONALD J. ANGELONE, Director of the Department of Corrections, in his individual and official capacities; GENE JOHNSON, Deputy Director of the Department of Corrections, in his individual and official capacities; W. P. ROGERS, Regional Director of the Department of Corrections, in his individual and official capacities; LOUIS B. CEI, Chairman of the Central Classification Board, in his individual and official capacities; DUNCAN MILLS, Manager of the Central Classification Board, in his individual and official capacities; C. D. LARSEN, Warden of Lunenburg Correctional Center, in his individual and official capacities; D. L. GRAHAM, Assistant Warden of Operations, Lunenburg Correctional Center, in his individual and official capacities; D. SPENCER, Human Rights Advocate, Lunenburg Correctional Center, in individual and official capacities,

Defendants - Appellees,

and

VIRGINIA DEPARTMENT OF CORRECTIONS,

Defendant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (CA-01-610-2)

Submitted: August 29, 2002

Decided: September 6, 2002

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

Dismissed by unpublished per curiam opinion.

Lionell Elijah Ephraim, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lionell Elijah Ephraim appeals from the district court's order granting Virginia Department of Corrections (VDOC) Eleventh Amendment immunity and dismissing VDOC from his 42 U.S.C.A. § 1983 (West. Supp. 2002) 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. See Baird v. Palmer, 114 F.3d 39, 42-43 (4th Cir. 1997).

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