

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 06-1495**

---

THEODORE M. BANKS,

Plaintiff - Appellant,

versus

NORTH CAROLINA DEPARTMENT OF CORRECTION;  
HARNETT CORRECTIONAL CENTER,

Defendants - Appellees.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:03-cv-00772-BO)

---

Submitted: October 17, 2006

Decided: October 19, 2006

---

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Theodore M. Banks, Appellant Pro Se. Brian Clifford Wilks, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Theodore M. Banks seeks to appeal the district court's order granting partial summary judgment to the Defendants in his civil action. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order that Banks seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. 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