

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1705

SHERRIE F. BRINKLEY,

Plaintiff - Appellant,

versus

DILLARD'S, Incorporated,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:06-cv-00059-RGD)

Submitted: August 23, 2006

Decided: September 27, 2006

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Harris D. Butler, III, Tim Schulte, Rebecca H. Royals, BUTLER, WILLIAMS & SKILLING, PC, Richmond, Virginia, for Appellant. Rodney Allen Satterwhite, Jennifer Magoulas Campbell, MCGUIREWOODS, LLP, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Sherrie F. Brinkley seeks to appeal the district court's order granting Dillard's motion to compel arbitration. 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 Brinkley 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 note that our dismissal of the appeal as interlocutory operates as a dismissal without prejudice. 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