

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7716

YA JELANI SIMBA, a/k/a Joseph H. Shaw,

Plaintiff - Appellant,

versus

WENDY BRITT, Unit Manager; ISAAC BALDWIN, Assistant Unit Manager; FLOYD E. SLATE, Sergeant, Prison Guard; LINDA GLOVER, Sergeant, Prison Guard; HENRY JOHNSON, Sergeant, Prison Guard; THOMAS MEEKINS, Prison Guard; SPURGEON WILBURN, Prison Guard; P. A. GALLOWAY, Prison Guard; DON G. WOOD, Prison Superintendent Scotland Correctional Institution; FREDERICK HUBBARD, Assistant Superintendent of Operations; GARY CRUTCHFIELD, Assistant Superintendent of Programs; MS. JORDAN, Nurse; M. BELLAMY, Prison Guard; V. HALL, Lead Nurse; MARY DIANNE WYATT, Unit Manager; DARLENE CAPEL, Prison Guard; DEBRA MCLEOD-DUNCAN, Nursing Supervisor; P. BERGMANN, Prison Guard; ANN BETHEA, Prison Guard; T. TYNER, Prison Guard; ELLIOTT ALFORD, Prison Guard; MS. HUNT, Prison Guard; JAMES CAULDER, Prison Guard; A. WILLIAMSON, Prison Guard; TAWANNA LOCKLEAR, Prison Guard; G. HUNT, Prison Guard; A. SPEIGHT, Prison Guard; SUSAN MORRISON, Prison Guard; B. SMITH, Prison Guard, R. DIXON, Prison Guard; MS. HUDSON, Prison Guard; MS. DUNSTON, Prison Guard; A. MCLEAN, Sergeant, Prison Guard; CONSTANCE LOCKLEAR, Prison Guard; JANICE FARMER, Prison Guard; MATTHEW PENNELL, Unit Manager; S. MICKEY BUNTON, Assistant Unit Manager; KEITH WHITENER, Assistant Superintendent; CURTIS BROWN, Prison Guard Captain,

_____ Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Wallace W. Dixon, Magistrate Judge. (1:06-ct-00310-UA)

_____ Submitted: December 21, 2006

Decided: January 5, 2007

_____ Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

_____ Dismissed by unpublished per curiam opinion.

_____ Ya Jelani Simba, Appellant Pro Se.

_____ Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ya Jelani Simba seeks to appeal the magistrate judge's dismissal of his § 1983 complaint without prejudice and the denial of his Fed. R. Civ. P. 60(b) motion. 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 Simba seeks to appeal is not an appealable interlocutory or collateral order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). 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