

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6575**

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JAMES BAILEY,

Plaintiff - Appellant,

v.

NURSE BROWN, a/k/a Wanda Brown, Alvin S. Glenn Detention Center; DOCTOR BYRD, a/k/a Elin Berg, Head Physician Doctor, Alvin S. Glenn Detention Center; LIEUTENANT JARVIS, Alvin S. Glenn Detention Center; ALVIN S. GLENN DETENTION CENTER, Director; HEALTH CARE PROVIDER, Alvin S. Glenn Detention Center; HEAD MEDICAL DOCTOR, Alvin S. Glenn Detention Center,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry F. Floyd, District Judge. (8:08-cv-00244-HFF)

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Submitted: October 15, 2009

Decided: October 19, 2009

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Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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James Bailey, Appellant Pro Se. Sarah Thomas Clemmons, Christopher Barton Major, G. Dewey Oxner, Jr., HAYNSWORTH, SINKLER & BOYD, PA, Greenville, South Carolina; Daniel Plyer, William Henry Davidson, II, DAVIDSON & LINDEMANN, PA, Columbia,

South Carolina; Amanda R. Maybank, Roy Pearce Maybank, MAYBANK  
LAW FIRM, LLC, Charleston, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Bailey seeks to appeal the district court's order accepting the magistrate judge's recommendation and dismissing his 42 U.S.C. § 1983 (2006) complaint against all but one defendant, Nurse Brown, and ordering Bailey to show cause for his failure to effect service upon Nurse Brown. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Bailey seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny leave to proceed in forma pauperis and 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