

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1172

CARL THOMAS STURDIVANT,

Plaintiff - Appellant,

v.

KONE INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Robert J.
Conrad, Jr., Chief District Judge. (3:09-cv-00224-RJC-DSC)

Submitted: March 29, 2010

Decided: April 12, 2010

Before WILKINSON, NIEMEYER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Carl Thomas Sturdivant, Charlotte, North Carolina, for
Appellant. James Michael Honeycutt, FISHER & PHILLIPS, LLP,
Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carl Thomas Sturdivant seeks to appeal the district court's orders: denying his motion for judicial disqualification and/or recusal; dismissing his appeal of an order granting the Defendant's motion to compel; and denying his motion to amend the complaint. 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 Sturdivant seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny the motion for stay pending appeal 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