

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1564

BILLY K. CRUEY; B. K. CRUEY, PC,

Plaintiffs - Appellants,

v.

RICKY LEE EARLY; HOWARD M. GREGORY; ERIC NESTER; ELINOR E. WILLIAMS, as Magistrate and Agent for the County of Montgomery, Virginia; KAREN SUE GARNAND, Magistrate and Agent for the County of Montgomery, Virginia,

Defendants - Appellees,

and

STEPHEN C. HUFF, JR.; R. J. KIRBY, Individually, and as Deputy Sheriff, and as agent for J. T. Whitt, Sheriff, and Montgomery County, Virginia; D. L. CONNER, Individually, and as Deputy Sheriff, and as agent for J. T. Whitt, Sheriff, and Montgomery County, Virginia; J. T. WHITT, Individually, and as Sheriff, Montgomery County, Virginia, and as agent for Montgomery County, Virginia; ROGER DALE NESTER; BRUCE W. NESTER; COUNTY OF MONTGOMERY, VIRGINIA,

Defendants.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Glen E. Conrad, Chief District Judge. (7:09-cv-00516-gec)

Submitted: September 28, 2010

Decided: September 30, 2010

Before WILKINSON, SHEDD, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Billy K. Cruvey, B. K. CRUEY, PC, Shawsville, Virginia, for Appellants. Matthew E. Kelley, FRITH, ANDERSON & PEAKE, PC, Roanoke, Virginia; Isak Jordan Howell, Mark Douglas Loftis, WOODS ROGERS, PLC, Roanoke, Virginia; Christy Monolo, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Billy K. Cruvey, acting on behalf of himself and his law firm, B. K. Cruvey, PC, seeks to appeal the district court's orders dismissing some, but not all, defendants and denying his Fed. R. Civ. P. 54(b) motion. 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, 545-46 (1949). The orders that Cruvey seeks to appeal are neither final orders nor are they appealable interlocutory or collateral orders. See McCall v. Deeds, 849 F.2d 1259, 1259 (9th Cir. 1988) ("[T]he denial of Rule 54(b) certification is not appealable."); Robinson v. Parke-Davis & Co., 685 F.2d 912, 913 (4th Cir. 1982) (holding that dismissal of some, but not all, claims or parties not immediately appealable absent Rule 54(b) certification). 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