

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6162

UNULA BOO SHAWN ABEBE,

Plaintiff - Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Robert S. Carr, Magistrate Judge. (2:09-cv-03111-MBS-RSC; 0:09-cv-03111-MBS-PJG)

Submitted: March 30, 2010

Decided: April 6, 2010

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Unula Boo Shawn Abebe, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Unula Boo Shawn Abebe seeks to appeal the magistrate judge's order incorporating his original complaint with his motion for leave to amend the complaint, treating both documents as the amended 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 magistrate judge's order is neither a final order nor an appealable interlocutory or collateral order; Abebe should have directed to the district court any objections to the order. 28 U.S.C. § 636(b)(1) (2006). 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

* Abebe asks us to disqualify the magistrate judge. We note that the magistrate judge whom Abebe seeks to disqualify is no longer assigned to the case.