

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7114

UNULA BOO SHAWN ABEBE,

Plaintiff - Appellant,

v.

SC DEPT OF CORRECTIONS; OFFICER GOFFREY,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Margaret B. Seymour, District Judge. (0:09-cv-03111-MBS-PJG)

Submitted: September 30, 2010

Decided: October 12, 2010

Before NIEMEYER, AGEE, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Unula Boo Shawn Abebe, Appellant Pro Se. John Betts McCutcheon, Jr., Lisa Arlene Thomas, THOMPSON & HENRY, PA, Conway, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Unula Abebe seeks to appeal the district court's order accepting the recommendation of the magistrate judge and granting the motion to dismiss filed by defendant South Carolina Department of Corrections, but rejecting the recommendation and granting Abebe leave to file his "Second Party Complaint" and recommitting his case to the magistrate judge for further consideration. 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 order Abebe seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. 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