

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7481**

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JORGE GEVARA,

Plaintiff - Appellant,

v.

F. B. HUBBARD, Superintendent; CRUTCHFIELD, Assist.  
Superintendent of Programs; DEBRA DUNCAN, R.N. - Medical  
Administrator; C. FIELDS, Correctional Officer; DAVID  
OSTORNE, Asst. Director Prisons; PAULA Y. SMITH, Medical  
Director of Prisons; THEODIS BECK, Secretary of Prisons; D.  
JONES MURPHY, Nurse; AMY S. MACKEY; PETER KEYSER; MR.  
PERRITT, Unit Manager; T. JONES, Asst. Unit Manager; P.  
BETHEA, Correctional Officer; PURCEL, Correctional Officer;  
QUICK, Sergeant; MILLER, Sergeant; ASHE HARRIS, Notary  
Public; DIRECTOR OF PRISONS BOYD BENNETT,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Greensboro. William L. Osteen,  
Jr., District Judge. (1:09-cv-00681-WO-LPA)

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Submitted: January 13, 2011

Decided: January 21, 2011

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Before MOTZ, KING, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Jorge Gevara, Appellant Pro Se. Lisa Yvette Harper, Assistant  
Attorney General, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jorge Gevara seeks to appeal the district court's order adopting the recommendation of the magistrate judge to deny Gevara's "Motion to Amend an Order to Show Cause and for an Injunction and Temporary Restraining Order and Appointment of Counsel as a Support of Any Error and Objections to the Magistrate's Opinion & Order." 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, 545-47 (1949). The order Gevara seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny Gevara's motion for a certificate of appealability 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