

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-7482**

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ROBERT FROST, JR.,

Plaintiff - Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; DIRECTOR BILL BYARS, South Carolina Department of Corrections; LEVERN COHEN, Warden Ridgeland Correctional Institution; MS. MONTOUTH, Inmate Grievance Coordinator, Ridgeland Correctional Institution; CAPTAIN BEST, in their individual and official capacity,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Joseph F. Anderson, Jr., District Judge. (5:11-cv-02520-JFA-KDW)

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Submitted: December 20, 2012                      Decided: December 27, 2012

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Before KING and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Robert Frost, Jr., Appellant Pro Se. Matthew David Cavender, Marshall Hodges Waldron, Jr., GRIFFITH, SADLER & SHARP, P.A., Beaufort, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Frost, Jr., seeks to appeal the district court's order adopting the magistrate judge's recommendation and denying without prejudice the Defendants' motion for summary judgment in Frost's 42 U.S.C. § 1983 (2006) 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, 545-46 (1949). The order Frost 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 this court and argument would not aid the decisional process.

DISMISSED