

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6284

DERRICK TOOMER,

Plaintiff - Appellant,

v.

WARDEN; SHARON BAUCUM, DPSCS; M. STOUFER; DEPT. OF PUBLIC
SAFETY AND CORR.; WEXFORD MEDICAL HEALTH CARE PROVIDER;
CORRECTIONAL MEDICAL SERVICES (CMS); CORIZON MEDICAL
SERVICES, f/k/a Correctional Medical Services,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Deborah K. Chasanow, Chief District
Judge. (8:13-cv-00614-DKC)

Submitted: June 27, 2014

Decided: August 20, 2014

Before NIEMEYER, WYNN, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Derrick Toomer, Appellant Pro Se. Donald Eugene Hoffman, OFFICE
OF THE ATTORNEY GENERAL OF MARYLAND, Pikesville, Maryland;
Siobhan Kelly Madison, OFFICE OF THE ATTORNEY GENERAL OF
MARYLAND, Baltimore, Maryland; Joseph Barry Chazen, Gina Marie
Smith, MEYERS, ROBBELL & ROSENBAUM, PA, Riverdale, Maryland, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derrick Toomer filed a 42 U.S.C. § 1983 (2012) complaint against the Department of Public Safety and Correctional Services ("DPSCS"), Wexford Health Sources, Inc. ("Wexford"),* and two prison officials. The district court dismissed the complaint against one prison official, granted summary judgment to the remaining Defendants, and directed the Clerk to amend the docket to include a new Defendant – Corizon Medical Services ("Corizon"). Toomer appeals this order, and the DPSCS and the prison officials have moved to dismiss the appeal as interlocutory.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Toomer seeks to appeal is neither a final order nor an appealable interlocutory or collateral order, as the claims against Corizon remain pending in the district court. Accordingly, we grant the motion to dismiss the appeal as interlocutory. Although the remaining Defendants did not move

* Although the district court's docket and our docket both designate the corporation as "Wexford Medical Health Care Provider," Wexford states that the correct name of the corporation is Wexford Health Sources, Inc.

to dismiss, we nevertheless dismiss the appeal in its entirety, as we do not have jurisdiction over this interlocutory appeal. See Dickens v. Aetna Life Ins. Co., 677 F.3d 228, 229-30 (4th Cir. 2012) (holding that this court is required to inquire into its jurisdiction sua sponte). Finally, we deny Toomer's pending motions.

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