

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1191

DAVID CHARLES BACH, a/k/a David Bach,

Plaintiff - Appellant,

v.

CIA,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Kaymani D. West, Magistrate Judge.
(4:15-cv-04915-MGL)

Submitted: July 5, 2016

Decided: July 11, 2016

Before GREGORY, Chief Judge, and MOTZ and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Charles Bach, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Charles Bach seeks to appeal the magistrate judge's report recommending that his civil action be dismissed without prejudice. 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 magistrate judge's report and recommendation Bach seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Furthermore, the district court's adoption of the report and recommendation after Bach noted his appeal does not overcome the jurisdictional defect in Bach's appeal because the magistrate judge's report was not an order that the district court could have certified for immediate appeal. See Equip. Fin. Group v. Traverse Comput. Brokers, 973 F.2d 345, 347-48 (4th Cir. 1992) (holding that doctrine of cumulative finality only applies where order appealed from could have been certified under Fed. R. Civ. P. 54(b)). 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