

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2524

JAMES E. WILLIAMS, II,

Plaintiff - Appellant,

versus

BLUEFIELD DAILY TELEGRAPH/TIMES & ALLEGHANIAN
COMPANY,

Defendant - Appellee,

and

DOUGLAS J. HANDZEL, as Executor of the Estate
of Emil J. Handzel; VIOLET L. HANDZEL; SMITH &
LILLY; JOHN DOE; JANE DOE, the last names
being fictitious and intended for persons or
corporations having an interest in the
premises affected herein, unknown to the
plaintiff,

Defendants.

Appeal from the United States District Court for the Southern
District of West Virginia, at Bluefield. David A. Faber, District
Judge. (CA-94-510-1)

Submitted: February 7, 1996

Decided: February 15, 1996

Before MURNAGHAN and WILLIAMS, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

James E. Williams, II, for Appellant. James R. Sheatsley, GORMAN, SHEATSLEY & COMPANY, L.C., Beckley, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals a district court order granting in part and denying in part motions for summary judgment and dismissal. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1988), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1988); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory or collateral order.

We dismiss the appeal as interlocutory. 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

