

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

CORNELIUS TUCKER, JR.,

Plaintiff-Appellant.

v.

No. 95-7843

SERGEANT THOMAS; GUARD THISSEN;

J. B. FRENCH, Warden; LYNN

PHILLIPS; ACCOUNTING CLERK LONG,

Defendants-Appellees.

CORNELIUS TUCKER, JR.,

Plaintiff-Appellant.

v.

No. 95-7855

SERGEANT THOMAS; GUARD THISSEN;

J. B. FRENCH, Warden; LYNN

PHILLIPS; ACCOUNTING CLERK LONG,

Defendants-Appellees.

Appeals from the United States District Court  
for the Eastern District of North Carolina, at Raleigh.

Malcolm J. Howard, District Judge.

(CA-94-957-5-H)

Submitted: January 18, 1996

Decided: February 13, 1996

Before HAMILTON and LUTTIG, Circuit Judges, and  
CHAPMAN, Senior Circuit Judge.

No. 95-7843 dismissed and No. 95-7855 affirmed by unpublished per curiam opinion.

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## COUNSEL

Cornelius Tucker, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

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## OPINION

### PER CURIAM:

In No. 95-7843, Appellant appeals the district court's order denying his motion for the appointment of counsel and recusal of the district court judge. 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. Accordingly, we dismiss No. 95-7843 as interlocutory.

Appellant also appeals from the district court's order dismissing the action pursuant to Appellant's notice of voluntary dismissal, No. 95-7855. We have reviewed the record and the district court's order and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Tucker v. Thomas, No. CA-94-957-5-H (E.D.N.C. Oct. 31, 1995). 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.

No. 95-7843 - DISMISSED

No. 95-7855 - AFFIRMED

LUTTIG, Circuit Judge, concurring:

Appellant has filed 123 appeals in this court between October 22, 1993, and today. I would impose sanctions against Appellant for abuse of the judicial process.