

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6056

JOHNATHAN LEE X SMITH,

Plaintiff - Appellant,

versus

F. TAYLOR STUART; C. AILSTOCK; PERRY; A. V. STONE; G. S. THOMPSON; VIRGINIA PAROLE BOARD; GEORGE F. ALLEN, Governor; VIRGINIA DEPARTMENT OF CORRECTIONS; JERRY W. KILGORE; BRUCE MORRIS; RICHARD W. CROSSEN, JR.; JOHN WILLIAM WADE, JR.; SANDRA L. COMBS; WINNIE R. DIXON; JOSEPH F. LEWIS; LINDA R. PITMAN; LOU ANN WHITE; DONALD R. GUILLORY; LAYTON LESTER; SUSAN CARSON; D. WILMOUTH; DIANE SPENCER; J. P. JONES; MARCI ORNELAS,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia at Roanoke. Samuel G. Wilson, District Judge. (CA-95-1291-R)

Submitted: May 16, 1996

Decided: June 3, 1996

Before RUSSELL, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Johnathan Lee X Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order dismissing some of the claims in his 42 U.S.C. § 1983 (1988) complaint and transferring the remainder of the case to the United States District Court for the Eastern District of Virginia. 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. See Ellicott Mach. Corp. v. Modern Welding Co., 502 F.2d 178, 180 (4th Cir. 1974).

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