

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-7374**

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DARRELL BROOKS, #156441,

Plaintiff - Appellant,

versus

WILLIAM R. DAVIS, Warden; WILLIE EAGLETON, Associate Warden; DOUGLAS FUNDERBURK, Captain; MARLBORO TERRY, Lieutenant; JAMES ROBINSON, Lieutenant; K. GREEN, Lieutenant; L. RANSOM, Lieutenant; R. JACKSON, Sergeant; SERGEANT CASSIDY; A. JOYNER, Inmate Representative; DAVID ODOM, Hearing Officer; DONALD MURPHY, Officer; LARRY BYRD, Officer; JIMMY EDGE, Officer; W. B. PRATT, Officer; OFFICER ALFORD; OFFICER LEADBETTER; OFFICER PAGE; OFFICER MCDUFFIE; OFFICER LESTER; OFFICER CHAVIS; OFFICER BRANHAM; OFFICER BUWIE; E. B. FORD, Sergeant; MAJOR LATTA; OFFICER RATLIFF; OFFICER MCDONALD,

Defendants - Appellees.

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**No. 97-7449**

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DARRELL BROOKS, #156441,

Plaintiff - Appellee,

versus

WILLIAM R. DAVIS, Warden; WILLIE EAGLETON, Associate Warden; DOUGLAS FUNDERBURK, Captain; MARLBORO TERRY, Lieutenant; JAMES ROBINSON, Lieutenant; K. GREEN, Lieutenant; L. RANSOM, Lieutenant; R. JACKSON, Sergeant; SERGEANT CASSIDY; A. JOYNER, Inmate Representative; DAVID ODOM, Hearing Officer; DONALD MURPHY, Officer; LARRY BYRD, Officer; JIMMY EDGE, Officer; W. B. PRATT, Officer; OFFICER ALFORD; OFFICER LEADBETTER; OFFICER PAGE; OFFICER MCDUFFIE; OFFICER LESTER; OFFICER CHAVIS; OFFICER BRANHAM; OFFICER BUWIE; E. B. FORD, Sergeant; MAJOR LATTA; OFFICER RATLIFF; OFFICER MCDONALD,

Defendants - Appellants.

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Appeals from the United States District Court for the District of South Carolina, at Florence. David C. Norton, District Judge. (CA-96-890-4-18-BE)

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Submitted: April 7, 1998

Decided: April 24, 1998

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Before MURNAGHAN, LUTTIG, and WILLIAMS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Darrell Brooks, Appellant Pro Se. Andrew Foster McLeod, HARRIS & MCLEOD, Cheraw, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Darrell Brooks appeals the district court order granting summary judgment in favor of Defendants as to several counts of Brooks' complaint. Defendants appeal the district court's order denying summary judgment as to the remaining counts of Brooks' complaint. We dismiss these appeals for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); 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 appeals 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

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\* To the extent that Defendants challenge the district court's denial of summary judgment based on their claim of qualified immunity, raised only in their answer, they waived this claim by failing to raise it in their motion for summary judgment or their objections to the magistrate judge's report. See Buffington v. Baltimore County, 913 F.2d 113, 120-21 (4th Cir. 1990); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984); see also Rish v. Johnson, 131 F.3d 1092, 1098 n.7 (4th Cir. 1997).