

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7560

MCDONALD WILLIAMS,

Plaintiff - Appellant,

versus

D. A. HEDGEPEETH; DETECTIVE SKINNER; R. BLACKWELL,

Defendants - Appellees,

and

VANCE COUNTY POLICE DEPARTMENT,

Defendant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-96-783-5-CT-BR)

Submitted: March 17, 1998

Decided: March 31, 1998

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

McDonald Williams, Appellant Pro Se. Keith David Burns, FAISON & FLETCHER, Durham, North Carolina; Gary S. Parsons, David Scott Wisz, BAILEY & DIXON, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court order granting summary judgment to Appellee Blackwell and denying his motion for appointment of counsel. We dismiss the appeal for lack of jurisdiction because neither order is appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders. See 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). In this case, claims remain pending in the district court against other defendants. Because the district court has not certified its order granting summary judgment as final under Fed. R. Civ. P. 54(b) and because neither of the orders fall within the collateral order doctrine, we lack jurisdiction to consider the appeal either from the award of summary judgment to Blackwell or the denial of the motion for appointment of counsel. See Baird v. Palmer, 114 F.3d 39, 43 (4th Cir. 1997); Miller v. Simmons, 814 F.2d 962, 964 (4th Cir. 1987).

Accordingly, we dismiss this appeal. We deny Appellees' motions for dismissal and Appellant's motions to stay and amend the appeal, to examine the record, and for appointment of counsel as moot. 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