

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 98-1280

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DAVID ALAN BEAR,

Plaintiff - Appellant,

CATHERINE EVA KEDDIE; KATHREN ELAINE KIBBE;  
WILLIAM GEORGE KINER; MARY EVELYN SHIELDS; EVA  
FRANCES CAIL,

Appellants,

and

LYNN HENDERSON BEAR; JAMES LEE SKEEN; PAULA  
RAE SKEEN; JOSHUA TYLER SKEEN; CORI NICHOLE  
SKEEN,

Plaintiffs,

KEITH A. MORRIS; ALICE D. CLINTON; TOMMY  
ALEXANDER; LOIS JOHNSON; BETTY LOU SAUER;  
PAULINE CART; CHARLES CART; SHELLEY JOHNSON;  
ALLEN DODGE; SUSAN R. DODGE; GREGORY B.  
SUMNER; ESTER SUMNER,

Parties in Interest,

versus

MICHAEL F. EASLEY; HAL D. LINGERFELT,

Defendants - Appellees,

and

JOHN D. WYDRA, JR.; ANGELA MARTINEZ; BOB  
RIDGWAY; CARL HORN, III; DIANE K. VISCOVO; L.  
A. SCOTT, JR.; MARY E. HUGHES,

Defendants.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Robert D. Potter, Senior  
District Judge. (CA-97-500-3-P)

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Submitted: October 8, 1998

Decided: October 22, 1998

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Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David Alan Bear, Catherine Eva Keddie, Kathren Elaine Kibbe,  
William George Kiner, Mary Evelyn Shields, Eva Frances Cail, Appel-  
lants Pro Se. Leonidas McNeil Chestnut, OFFICE OF THE ATTORNEY  
GENERAL OF NORTH CAROLINA, Raleigh, North Carolina; James Michael  
Sullivan, Assistant United States Attorney, Charlotte, North Caro-  
lina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants appeal the district court's order granting summary judgment in favor of Defendants Michael F. Easley and Hal D. Lingerfelt but allowing the case to proceed as to several other Defendants. 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 (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). Because the case is still pending in district court as to various other defendants, 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