

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1921

EUGENE T. HOLMES,

Plaintiff - Appellant,

versus

J. P. BRIENZG,

Defendant - Appellee,

and

COLONEL FORD; J. B. HELTON; M. K. SHELOR;
MONICA STEWART; A. S. MAUNEY; SERGEANT
SCHALENGAUF; CAPTAIN BESS; CAPTAIN BUIE; LOYDE
BLACK; BUDDY SMITH; DAVE STEWART; CHUCK
WOMACK; GASTON COUNTY SHERIFF'S DEPARTMENT,

Defendants.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Richard L. Voorhees,
District Judge. (CA-02-354-3-1-V)

Submitted: November 19, 2003

Decided: December 3, 2003

Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Eugene T. Holmes, Appellant Pro Se. Martha Raymond Thompson, STOTT, HOLLOWELL, PALMER & WINDHAM, Gastonia, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Eugene T. Holmes appeals from the district court's order accepting the recommendation of the magistrate judge and dismissing several of Holmes's claims brought under 42 U.S.C. § 1983 (2000). This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order appealed from is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. 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