

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7787

STEPHEN E. MCCLELLAND,

Party in Interest - Appellant,

and

ALLEN MCRAE; CHARLES STEVENSON; PATRICK
LAHENS; DENNIS BLYDEN; DAVID EVICK, JR.;
RASHID QAWI AL-AMIN,

Plaintiffs,

versus

GENE M. JOHNSON,

Defendant - Appellee.

UNITED STATES OF AMERICA,

Movant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. David G. Lowe, Magistrate
Judge. (CA-03-164)

Submitted: May 4, 2005

Decided: May 20, 2005

Before MOTZ, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Stephen E. McClelland, Appellant Pro Se. Mark Ralph Davis, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Stephen E. McClelland seeks to appeal the magistrate judge's order denying his motion for a temporary restraining order. 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 McClelland seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. See Office of Pers. Mgmt. v. Am. Fed'n of Gov't Employees, 473 U.S. 1301, 1303-04 (1985); Drudge v. McKernon, 482 F.2d 1375, 1376 (4th Cir. 1973). 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