

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7753

YA JELANI SIMBA,

Plaintiff - Appellant,

versus

WENDY BRITT, Unit Manager - Blue Unit; ISAAC BALDWIN, Assistant Unit Manager - Blue Unit; HENRY JOHNSON, Sergeant, Prison Guard; DON G. WOOD, Prison Superintendent; FREDERICK HUBBARD, Assistant Superintendent of Operations; GARY CRUTCHFIELD, Assistant Superintendent of Programs; SERGEANT BARNHILL, Prison Guard; V. HALL, Nurse (LEAD); MARY DIANNE WYATT, Unit Manager - Red Unit; DEBRA MCLEOD-DUNCAN, Nursing/Medical Supervisor; THEODIS BECK, Secretary; BOYD BENNETT, Director, Division of Prisons; S. MICKEY BUNTON, Assistant Unit Manger - Blue Unit; KEITH WHITENER, Assistant Superintendent Alexander Correctional Institution; CURTIS BROWN, Prison Guard Captain Pasquotank Correctional Institution; FLOYD E. SLATE, Sergeant; LINDA GLOVER, Sergeant; DARLENE CAPEL, Sergeant; THOMAS MEEKINS; SPURGEON WILBURN; P. A. GALLOWAY; M. BELLAMY; P. BERGMANN; ANN BETHEA; T. TYNER; ELLIOTT ALFORD; MS. HUNT; JAMES CAULDER; A. WILLIAMSON; TAWANNA LOCKLEAR; G. HUNT; K. SPEIGHT; SUSAN MORRISON; R. SMITH; B. DIXON; MS. HUDSON; MS. DUNSTON; CONSTANCE LOCKLEAR, JANICE FARMER, Prison Guard - Blue Unit,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Wallace W. Dixon,
Magistrate Judge. (1:06-cv-00838-UA)

Submitted: December 21, 2006

Decided: January 5, 2007

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ya Jelani Simba, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ya Jelani Simba seeks to appeal the magistrate judge's dismissal of his § 1983 complaint without prejudice to filing a new complaint. 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 Simba seeks to appeal is not an appealable interlocutory or collateral order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). 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