

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-2158**

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RHAE JOHNSON,

Plaintiff - Appellant,

v.

THE SUNSHINE HOUSE, INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Max O. Cogburn, Jr.,  
District Judge. (3:11-cv-00511-MOC-DCK)

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Submitted: January 15, 2013

Decided: February 11, 2013

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Before NIEMEYER, DAVIS, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Rhae Johnson, Appellant Pro Se. Frederick M. Thurman, Jr.,  
SHUMAKER LOOP & KENDRICK, LLP, Charlotte, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rhae Johnson seeks to appeal the district court's order denying her motion for summary judgment.\* This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Johnson seeks to appeal 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 this court and argument would not aid the decisional process.

DISMISSED

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\* Although Johnson's notice of appeal appears to be untimely, Fed. R. App. P. 4(a)(1)(A), we are unable to make that determination without remanding the proceeding to the district court. Fed. R. App. P. 4(a)(6). As we lack jurisdiction over this appeal in any event, we dismiss the appeal as interlocutory.