

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-7510**

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LYNWOOD ALLEN BAKER,

Plaintiff - Appellant,

versus

VIRGINIA DEPARTMENT OF REHABILITATIVE SERVICES; DIRECTOR OF VIRGINIA DEPARTMENT OF CORRECTIONS; JIMMY WEBSTER, Hospital Administrator, Greensville Correctional Center; JOHN MARSHALL, M.D., Chief Medical Physician, Greensville Correctional Center; ELLIS B. WRIGHT, Warden, Greensville Correctional Center; MICHAEL A. TIDWELL, Deputy Warden of Unit B; DR. RAMSEY, Physician, Greensville Medical Center; COMMONWEALTH OF VIRGINIA BOARD OF CORRECTIONS; COMMONWEALTH OF VIRGINIA, DEPARTMENT OF SOCIAL SERVICES; COMMONWEALTH OF VIRGINIA DEPARTMENT OF PUBLIC SAFETY; GREENSVILLE MEMORIAL HOSPITAL, Contracted Medical Firm; L. LESTER, Powhatan Correctional Center; DIRECTOR, Medical Services, Powhatan Correctional Center,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (CA-94-633-2)

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Submitted: March 12, 1998

Decided: March 23, 1998

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Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Lynwood Allen Baker, Appellant Pro Se. Susan Campbell Alexander,  
Assistant Attorney General, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order dismissing two defendants without prejudice in Appellant's 42 U.S.C. § 1983 (1994) action. 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. See 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 against the remaining defendants in district court, 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