

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-1002

CHRIS J. EUBANKS,

Plaintiff - Appellant,

versus

CITY OF MOUNDSVILLE, WV; DAVID JACKSON, Judge;
OLIVER JENKINS; OFFICER KAMMERLING, Badge #6;
PHIL TOOTHMAN; W. HELMS; OFFICER ROBINSON,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Wheeling. Frederick P. Stamp, Jr.,
Chief District Judge. (CA-95-117)

Submitted: April 15, 1996

Decided: May 2, 1996

Before ERVIN and MOTZ, Circuit Judges, and CHAPMAN, Senior Circuit
Judge.

Dismissed by unpublished per curiam opinion.

Chris J. Eubanks, Appellant Pro Se. Richard Allen Hayhurst,
Parkersburg, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order granting one Defendant's motion to dismiss and granting in part and denying in part another Defendant's motion to dismiss. 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 (1988), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1988); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). 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