

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6160

FITZROY BLAKE, a/k/a Gladstone Neysmith,

Plaintiff - Appellant,

BENJAMIN BRAXTON; THOMAS E. ROBERTSON,

Plaintiffs,

versus

UNKNOWN IRVIN, Lieutenant; L. H. BREZEE;
EUNICE BELVIN; UNKNOWN OR UNIDENTIF; A. S.
MATHEWS, JR., Sheriff,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CA-95-256)

Submitted: May 16, 1996

Decided: June 5, 1996

Before RUSSELL, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Fitzroy Blake, Appellant Pro Se. David Wayne Robinson, Michael Paul Falzone, HIRSCHLER, FLEISCHER, WEINBERG, COX & ALLEN, Richmond, Virginia; Carlyle Randolph Wimbish, III, Marvin Pierce Rucker, SANDS, ANDERSON, MARKS & MILLER, Richmond, 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Unpublished opinions are not binding precedent in this circuit.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 summary judgment to some Defendants, and dismissing other Defendants in his 42 U.S.C. § 1983 (1988) civil action. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This Court may exercise jurisdiction only over final orders,¹ and certain interlocutory and collateral orders.² Because there is at least one Defendant remaining, 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

¹ 28 U.S.C. § 1291 (1988).

² 28 U.S.C. § 1292 (1988); FED. R. CIV. P. 54(b); Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949).