

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7586

RICKY A. PIERCE,

Plaintiff - Appellant,

and

JEFFERY S. HOLCOMB; HOWARD C. BROOKS,

Plaintiffs,

versus

FRANKLIN FREEMAN; LYNN PHILLIPS; L. W. PARKER;
D. WEAVER; E. MCCULLEN; T. OUTLAW; C. WYNN;
V. JOHNSON; TAYLOR, Program Assistant,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-96-386-5-H)

Submitted: January 9, 1997

Decided: January 24, 1997

Before HALL and MICHAEL, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Ricky A. Pierce, Appellant Pro Se. William McBlief, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ricky A. Pierce appeals the district court's order granting Defendants' motion to strike as plaintiffs Jeffery Holcomb and Howard Brooks for failure to sign the complaint and denying Pierce's motion for summary judgment. 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, 28 U.S.C. § 1292 (1994); 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 and deny Appellant's motion for stay pending appeal. 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