

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-2587**

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JERRY ODELL ADAMS,

Plaintiff - Appellant,

versus

ROBERTA BORDEN, in her official capacity;  
KEITH WALTERS, in his official capacity; THE  
SHELBY STAR,

Defendants - Appellees,

and

BENNY MCINTYRE, in his official capacity;  
RAMONA HAGNER, in her official capacity;  
PRESTON CHERKA, Lieutenant, in his official  
capacity; CITY OF SHELBY,

Defendants.

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Appeal from the United States District Court for the Western Dis-  
trict of North Carolina, at Shelby. Lacy H. Thornburg, District  
Judge. (CA-97-210-4)

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Submitted: April 16, 1998

Decided: April 28, 1998

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Before WILKINS and HAMILTON, Circuit Judges, and PHILLIPS, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Jerry Odell Adams, Appellant Pro Se. Jonathan E. Buchan, SMITH, HELMS, MULLISS & MOORE, L.L.P., Charlotte, North Carolina 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Unpublished opinions are not binding precedent in this circuit.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 accepting the magistrate judge's recommendation to dismiss some, but not all, of the Defendants in Appellant's action alleging intentional infliction of emotional distress and violation of his constitutional rights. 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. 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