

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 97-6642**

---

MARVIN H. MILLER,

Plaintiff - Appellant,

versus

MICHAEL W. MOORE; WILLIAM D. CATOE, Deputy  
Commissioner; NATHANIEL HUGHES, SCDC Classi-  
fication Director; TERRY GREGORY, Perry Clas-  
sification Director; DONALD F. DEASE, SCDC  
Community Services Director of Appalachian  
Region,

Defendants - Appellees.

---

Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Joseph F. Anderson, Jr., District  
Judge. (CA-96-3726-2-17AJ)

---

Submitted: September 25, 1997

Decided: October 8, 1997

---

Before LUTTIG, MICHAEL, and MOTZ, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Marvin H. Miller, Appellant Pro Se. Charles Elford Carpenter, Jr.,  
Georgia Anna Mitchell, RICHARDSON, PLOWDEN, CARPENTER & ROBINSON,  
Columbia, South Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order adopting the magistrate judge's recommendation to deny his motion for summary judgment and consolidating the action with another pending case. 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