

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-2335**

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R. FRANCIS DIPRETE,

Plaintiff - Appellant,

v.

950 FAIRVIEW STREET, LLC; MICHAEL STRAMIELLO; MICHAEL  
COSOLA,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of Virginia, at  
Abingdon. James P. Jones, District Judge. (1:15-cv-00034-JPJ-PMS)

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Submitted: April 28, 2017

Decided: May 22, 2017

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Before DUNCAN, KEENAN, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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R. Francis DiPrete, Appellant Pro Se. Robert Tayloe Copeland, COPELAND & BIEGER,  
PC, Abingdon, Virginia; Robert Lucas Hobbs, ELLIOTT, LAWSON & MINOR, PC,  
Bristol, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

R. Francis DiPrete seeks to appeal the district court's order granting summary judgment to Michael Cosola, one of the three Defendants to DiPrete's complaint; the action remains pending as to the other two Defendants. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order DiPrete seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015). Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*