

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-1643**

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ROBERT HAINEY; ROSEMARY HAINEY,

Plaintiffs - Appellants,

v.

SAG-AFTRA HEALTH PLAN; BOARD OF TRUSTEES FOR THE SAG-AFTRA  
HEALTH PLAN,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt.  
Paula Xinis, District Judge. (8:21-cv-02618-PX)

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Submitted: October 26, 2023

Decided: November 15, 2023

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Before KING and AGEE, Circuit Judges, and KEENAN, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Robert Hainey and Rosemary Hainey, Appellants Pro Se. Myron D. Rumeld,  
PROSKAUER ROSE, LLP, New York, New York, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert and Rosemary Hainey seek to appeal the district court's order granting in part and denying in part Defendants' motion to dismiss the Haineys' amended complaint alleging violations of the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001-1461, and state law. Defendants have moved to dismiss the Haineys' appeal as improperly taken from a nonfinal order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order the Haineys seek to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we grant Defendants' motion to dismiss and dismiss the appeal for lack of jurisdiction. We further deny the Haineys' motion to strike and motion for reassignment on remand. 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*