

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6028

ALUCIOUS WILLIAMS, JR.,

Plaintiff - Appellant,

v.

CAPTAIN GILBERT; CORRECTIONAL OFFICER OSBORN;
CORRECTIONAL OFFICER J. CLIFTON; SERGEANT L. HALL; T.O. HESS;
UNIT MANAGER AMY DUNCAN; CORRECTIONAL OFFICER C. HALL;
CORRECTIONAL OFFICER JOHNSON; LIEUTENANT FLEMMING; RED
ONION STATE PRISON; COUNSELOR B. GIBSON; 2 UNKNOWN OFFICERS;
CORRECTIONAL OFFICER B. MULLINS; SERGEANT TAYLOR; SERGEANT
G. RIDINGS; CORRECTIONAL OFFICER NEELY; T.O. GARDNER;
LIEUTENANT WOODS; CORRECTIONAL OFFICER STANLEY;
CORRECTIONAL OFFICER JONES; UNIT MANAGER ERIC MILLER;
CORRECTIONAL OFFICER PHILIPS; CORRECTIONAL OFFICER ROSE;
LIEUTENANT HALL; CORRECTIONAL OFFICER OH; UNIT MANAGER
LARRY COLLINS; COUNSELOR B. YOUNG; LIEUTENANT G. ADAMS;
SERGEANT CLEM; CORRECTIONAL OFFICER BOYD; CORRECTIONAL
OFFICER CASTLE; CORRECTIONAL OFFICER DEEL; ASSISTANT
WARDEN FULLER; SERGEANT HILL; FIVE UNKNOWN OFFICERS;
CORRECTIONAL OFFICER ALLEN; VIRGINIA DEPARTMENT OF
CORRECTIONS; UNIT MANAGER GIBSON; COUNSELOR D. YOUNG; UNIT
MANAGER DAY; COUNSELOR MULLINS; HEARINGS OFFICER COUNTS,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. Elizabeth Kay Dillon, District Judge. (7:21-cv-00222-EKD-JCH)

Submitted: August 29, 2023

Decided: August 31, 2023

Before KING, AGEE, and BENJAMIN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Alucious Williams, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alucious Williams, Jr., seeks to appeal the district court's August 8, 2022, order dismissing his amended 42 U.S.C. § 1983 complaint for failure to prosecute. On November 21, 2022, the district court granted Williams' motion for reconsideration of its August 8 order and reopened the case, before ultimately dismissing the action that same day. Williams noted the instant appeal on November 15, *see Houston v. Lack*, 487 U.S. 266 (1998) (establishing prison mailbox rule), and he did not seek to amend the notice after the court's final dismissal 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 Williams seeks to appeal is neither a final order nor an appealable interlocutory or collateral order, as the district court granted Williams' motion for reconsideration of the order and reopened the case. 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