

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7609

DONALD WAGNER, JR.,

Plaintiff - Appellant,

versus

GENE M. JOHNSON, Director, Department of
Corrections; ARMOR HEALTH SERVICES, Health
Provider; DILLMAN, Warden, C.W.C.C.; GARY L.
BASS, Department of Corrections; FRED
SCHILLING, Health Service Director; THOMAS
PARHAM, Medical Director; CHERIAN JOSEPH,
Doctor,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. James R. Spencer, Chief
District Judge. (3:06-cv-00527)

Submitted: January 18, 2008

Decided: February 11, 2008

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam
opinion.

Donald Wagner, Jr., Appellant Pro Se. William W. Muse, Assistant
Attorney General, Richmond, Virginia, Gauhar Rehman Naseem, DUANE,
HAUCK & GNAPP, PC, Richmond, Virginia, Elizabeth Martin Muldowney,
RAWLS & MCNELIS, PC, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donald Wagner, Jr., timely appealed an order of the district court (1) denying Wagner's motion for preliminary injunction and (2) ruling on various motions to dismiss and for summary judgment. In its order, the district court did not rule on all claims as to all defendants.

With respect to the denial of preliminary injunctive relief, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Wagner v. Johnson, No. 3:06-cv-00527 (E.D. Va. Sept. 25, 2007).

The remainder of the district court's order is neither a final order nor an appealable interlocutory or collateral order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). Accordingly, we dismiss this portion of the appeal for lack of jurisdiction. 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.

AFFIRMED IN PART;
DISMISSED IN PART