

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1891

PACEL CORPORATION,

Plaintiff - Appellee,

v.

F KAY CALKINS; DUCHESS FARM, L.L.C.,

Defendants - Appellants,

HIRSCHLER, FLEISCHER, WEINBERG, COX AND ALLEN, P.C.,

Appellee,

and

DAVID E. CALKINS,

Defendant.

Appeal from the United States District Court for the Western
District of Virginia, at Charlottesville. B. Waugh Crigler,
Magistrate Judge. (3:07-cv-00025-nkm-bwc)

Submitted: April 16, 2009

Decided: May 11, 2009

Before WILLIAMS, Chief Judge, and MICHAEL and GREGORY, Circuit
Judges.

Dismissed by unpublished per curiam opinion.

Michael Robert Zervas, Madison, Virginia, for Appellants.
Christopher E. Gatewood, HIRSCHLER FLEISCHER, P.C., Richmond,
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Appellants F Kay Calkins and Duchesse Farms, L.L.C. seek to appeal the magistrate judge's order awarding attorney's fees and monetary sanctions to Pacel Corporation and its counsel. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The magistrate judge's order is neither a final order nor an appealable interlocutory order. See Haney v. Addison, 175 F.3d 1217, 1219 (10th Cir. 1999) (holding that absent designation by the district court and the consent of all parties, see 28 U.S.C. § 636(c) (2006), a magistrate judge's recommendation is not a final appealable decision under 28 U.S.C. § 1291); see also Aluminum Co. of Am. v. EPA, 663 F.2d 499, 501-02 (4th Cir. 1981) (holding that when a district court specifically refers a dispositive motion to a magistrate judge under 28 U.S.C. § 636(b)(3), the district court is required to give the magistrate judge's order de novo review).

Accordingly, we dismiss the appeal for lack of jurisdiction. We also deny Appellants' motion to dismiss a party, motion for second enlargement of time to file a brief, and motion for summary disposition. 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