

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7817

ROBERT LEE HARRIS,

Plaintiff - Appellant,

v.

HARLEY G. LAPPIN, Individually and in their Official Capacity under the Color of Law; KAREN WHITE, Regional Director; AL HAYNES, Warden of U.S.P. Hazelton; DUKE TERRELL, Warden of U.S.P. Leavenworth; A. W. JETT, Associate Warden of U.S.P. Leavenworth; G. DRENNAN, Hospital Administrator of U.S.P. Leavenworth; BOYLE, Hospital Administrator of U.S.P. Hazelton; MCCULLUM, Dr. - Clinical Director of U.S.P. Leavenworth; UNKNOWN PHYSICIAN'S ASSISTANT, Federal Bureau of Prisons Employee and is sued in his personal capacity; BILL CAREY, Lieutenant - Federal Bureau of Prisons Employee and is sued in his personal capacity; UNKNOWN FEDERAL BUREAU OF PRISONS EMPLOYEE, and is sued in his personal capacity,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Robert E. Maxwell, Senior District Judge. (2:07-cv-00058-REM-JSK)

Submitted: December 11, 2008

Decided: December 18, 2008

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Lee Harris, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Lee Harris seeks to appeal the district court's order granting his motion for an extension of time to file a response to the magistrate judge's recommendation in his underlying action pursuant to Bivens v. Six Unknown Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971). 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). The order Harris seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. 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 the court and argument would not aid the decisional process.

DISMISSED