

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-7942**

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MICHAEL MCNEILL,

Plaintiff - Appellant,

v.

SERGEANT KINNEY; ATLANTIC DIAGNOSTIC OF DURHAM; NC DOC  
DIRECTOR,

Defendants - Appellees,

and

FRANK STAMPER,

Defendant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Graham C. Mullen,  
Senior District Judge. (3:08-cv-00162-GCM)

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Submitted: November 13, 2008                      Decided: November 21, 2008

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Michael McNeill, Appellant Pro Se. Joshua Daniel Davey,  
MCGUIREWOODS, LLP, Charlotte, North Carolina; Elizabeth Pharr  
McCullough, YOUNG, MOORE & HENDERSON, PA, Raleigh, North  
Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael McNeill seeks to appeal the district court's order denying his motion for summary judgment and dismissing his complaint as to all defendants except Mr. Stamper. 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 McNeill seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny McNeill's motion for issuance of a subpoena and 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