

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6946

JOHNNIE GATHERS,

Petitioner - Appellant,

v.

WILLIE L. EAGLETON, Evans Correctional Institution, Warden;
HENRY MCMASTER, South Carolina Attorney General,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. Henry M. Herlong, Jr., Senior
District Judge. (9:08-cv-03987-HMH-BM)

Submitted: October 15, 2009

Decided: October 21, 2009

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Johnnie Gathers, Appellant Pro Se. Roy F. Laney, Heath McAlvin
Stewart, III, RILEY, POPE & LANEY, LLC, Columbia, South
Carolina; Donald John Zelenka, Deputy Assistant Attorney
General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnnie Gathers seeks to appeal the district court's order affirming the order of the magistrate judge denying Gathers' motion to compel discovery. 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 order Gathers 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 deny Gathers' motion for appointment of counsel. 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