

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7641**

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SHAWN SIMMONS,

Plaintiff - Appellant,

v.

LUIS BERRIOS, MD Clinical Director FCI Bennettsville; MS  
JUMP, Nurse Practitioner FCI Bennettsville,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Rock Hill. Margaret B. Seymour, District  
Judge. (0:09-cv-01171-MBS)

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Submitted: November 19, 2009

Decided: December 4, 2009

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Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Shawn Simmons, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn Simmons seeks to appeal the magistrate judge's report and recommendation to dismiss his Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), action. 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 report and recommendation of the magistrate judge 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