

Rehearing granted, February 11, 2010

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7750**

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ANDREW D. WENMOTH,

Plaintiff - Appellant,

v.

OVID WESLEY DUNCAN, JR., Librarian; LARRY MCBRIDE, Correctional Officer II; KENNY AIKENS, Correctional Hearing Officer; DIANA ROBIN MILLER, Associate Warden of Programs; TERESA WAID, Warden; JIM RUBENSTEIN, Commissioner; CHARLENE SOTAK, Inmate Grievance Coordinator,

Defendants - Appellees.

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**No. 09-7826**

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ANDREW D. WENMOTH,

Plaintiff - Appellant,

v.

OVID WESLEY DUNCAN, JR., Librarian; LARRY MCBRIDE, Correctional Officer II; KENNY AIKENS, Correctional Hearing Officer; DIANA ROBIN MILLER, Associate Warden of Programs; TERESA WAID, Warden; JIM RUBENSTEIN, Commissioner; CHARLENE SOTAK, Inmate Grievance Coordinator,

Defendants - Appellees.

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Appeals from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:08-cv-00182-JPB-JSK)

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Submitted: December 15, 2009

Decided: December 22, 2009

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Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Andrew D. Wenmoth, Appellant Pro Se. Thomas E. Buck, April Joy Wheeler, BAILEY & WYANT, PLLC, Wheeling, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated cases, Andrew Wenmoth seeks to appeal the district court's orders dismissing his complaint in part and denying his motion to alter or amend the district's order. 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 orders Wenmoth seeks to appeal are neither final orders nor appealable interlocutory or collateral orders. Accordingly, we deny Wenmoth's motions for stays pending appeal and dismiss the appeals 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