

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1356

RODNEY E. HAYS,

Plaintiff - Appellant,

v.

TOWN OF GAULEY BRIDGE, WEST VIRGINIA, a West Virginia Municipal Corporation; WILLIAM KINCAID, individually and in his official capacity as Judge of the Gauley Bridge Municipal Court; SEAN WHIPKEY, individually and in his official capacity as a Town of Gauley Bridge Officer; HEATH WHIPKEY, individually and in his official capacity as a Town of Gauley Bridge Police Officer; CHARLES BURKHAMER, individually and in his official capacity as a Town of Gauley Bridge Police Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (2:09-cv-01272)

Submitted: July 21, 2011

Decided: July 25, 2011

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Rodney E. Hays, Appellant Pro Se. Vaughn Sizemore, BAILEY & WYANT, PLLC, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney E. Hays seeks to appeal the district court's order granting partial summary judgment to defendants on his 42 U.S.C. § 1983 (2006) complaint. 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, 545-46 (1949). The order Hays 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