

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6958

CORNELL F. DAYE,

Plaintiff - Appellant,

v.

DAVID BALLARD, Warden (MOCC), in his official and individual capacities (Defendant #1); JASON COLLINS, Associate Warden of Programs, in official and individual capacities (Defendant #2); MARK CRAWFORD, Librarian, in his official and individual capacities (Defendant #3); LT. CURTIS DIXON, in his official and individual capacities (Defendant #4),

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Joseph R. Goodwin, Chief District Judge. (2:11-cv-00106)

Submitted: December 15, 2011 Decided: December 19, 2011

Before GREGORY, SHEDD, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Cornell F. Daye, Appellant Pro Se. Michael P. Addair, John P. Fuller, BAILEY & WYANT, PLLC, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cornell F. Daye seeks to appeal the district court's order adopting the report and recommendation of the magistrate judge and dismissing certain counts in Daye's 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 Daye 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