

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7075**

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MICHAEL E. GARNER,

Plaintiff - Appellant,

v.

LAWRENCE JONES, Institutional Programs Manager (IPM); JANET BAIN, Operations Manager; EARL BARKSDALE, Warden at Dillwyn Correctional Center,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Norman K. Moon, Senior District Judge. (7:11-cv-00318-NKM)

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Submitted: December 20, 2011                      Decided: December 23, 2011

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Before MOTZ, DUNCAN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Michael E. Garner, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael E. Garner seeks to appeal the district court's order dismissing his complaint without prejudice for failure to state a claim on the ground that Garner failed to allege a specific injury. 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 Garner seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1067 (4th Cir. 1993). Accordingly, we deny Garner's motion for appointment of counsel and 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