

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-2582**

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JANICE H. POWELL; GEORGE T. POWELL, JR.,

Plaintiffs - Appellants,

v.

FIRST MOUNT VERNON INDUSTRIAL LOAN ASSOCIATION; ARTHUR G. BENNETT; DALE E. DUNCAN; JOHN F. GONZALES; HILTON T. HUTCHENS, JR.; STAFFORD R. PEEBLES, JR.; J. EDWARD SIMS, SR.; ALAINE FIELDS; MICHELLE PARKER-FIELDS; MERCEDES L. MILLER; EDWARD L. MILLER,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:11-cv-00695-CCE-JEP)

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Submitted: March 28, 2013

Decided: April 1, 2013

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Before NIEMEYER, KING, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Janice H. Powell; George T. Powell, Jr., Appellants Pro Se. H. Terry Hutchens, HUTCHENS, SENTER & BRITTON, Fayetteville, North Carolina; Gabrielle Amber Pittman, Frederick Kingsley Sharpless, SHARPLESS & STAVOLA, PA, Greensboro, North Carolina; Michael Andrew Grace, Sr., GRACE, TISDALE & CLIFTON, PA, Winston-Salem, North Carolina, for Appellees. Mercedes L. Miller; Edward Miller, Appellees Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Janice H. Powell and George T. Powell, Jr. seek to appeal the district court's order accepting the magistrate judge's recommendation and granting the motions to dismiss filed by Defendants Sims and Peebles, denying without prejudice the motion to dismiss filed by Defendant Mercedes Miller, and granting the amended motion to set aside default filed by Defendants First Mount Vernon Industrial Loan Association, Bennett, Duncan, Gonzales, and Hutchens. Appellees Sims, Peebles, Edward Miller, and Mercedes Miller have moved to dismiss the appeal on various grounds. 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 the Powells seek to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We deny the pending motions to dismiss as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED