

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 12-6885**

---

DARRELL GAINES,

Plaintiff - Appellant,

v.

LOUIS TOMASETTI, Police Officer at Asheville Police Department; JUSTIN CLINARD, Police Officer at Asheville Police Department; DARRYL FISHER, Police Officer at Asheville Police Department; TAMMY BRYSON, Police Officer at Asheville Police Department; LESLIE K. TORGOW; CURTIS JONES; LEO MCCABE; LUKE BIGELOW,

Defendants - Appellees.

---

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Robert J. Conrad, Jr., Chief District Judge. (1:09-cv-00217-RJC)

---

Submitted: September 27, 2012                      Decided: October 2, 2012

---

Before MOTZ, DAVIS, and WYNN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Darrell Gaines, Appellant Pro Se. Rendi Lynn Mann-Stadt, WARD & SMITH, PA, Asheville, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darrell Gaines seeks to appeal from the district court's order dismissing the claims against some, but not all, of the defendants named in his complaint filed pursuant to 42 U.S.C. § 1983 (2006). 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 Gaines 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 deny Gaines' motion for appointment of counsel. 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