

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7979

RONALD L. LEGG,

Plaintiff - Appellant,

v.

SOUTHERN HEALTH PARTNERS, Jodi Harrison,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken. Shiva Vafai Hodges, Magistrate Judge. (1:12-cv-00481-MGL)

Submitted: January 17, 2013

Decided: January 23, 2013

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ronald L. Legg, Appellant Pro Se. Elliott T. Halio, HALIO & HALIO, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald L. Legg seeks to appeal the magistrate judge's report recommending that the district court grant Defendant Southern Health Partners' motion for summary judgment 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). Because it lacks both designation by the district court and consent of the parties, 28 U.S.C. § 636(c) (2006), a magistrate judge's recommendation is not a final, appealable decision. See Haney v. Addison, 175 F.3d 1217, 1219 (10th Cir. 1999). Nor is it otherwise appealable to this court. Accordingly, we deny Legg's motion for transcripts at the Government's expense 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 this court and argument would not aid the decisional process.

DISMISSED