

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-1887**

---

CAROL L. GRAY PIZZUTO,

Plaintiff - Appellant,

v.

SCOTT R. SMITH; KEITH C. GAMBLE; STEPHEN M. FOWLER; D. LUKE  
FURBEE; OFFICER D. L. ROBINSON; HONORABLE JAMES P. MAZZONE;  
HONORABLE ARTHUR M. RECHT; HONORABLE RONALD E. WILSON;  
KENNETH W. BLAKE; JULIE L. KREEFER; TONI VANCAMP,  
individually and collectively,

Defendants - Appellees,

and

OFFICER S. A. ZIMMERMAN,

Defendant.

---

Appeal from the United States District Court for the Northern  
District of West Virginia, at Wheeling. Frederick P. Stamp,  
Jr., Senior District Judge. (5:12-cv-00149-FPS-JES)

---

Submitted: December 19, 2013

Decided: December 23, 2013

---

Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Carol L. Pizzuto, Appellant Pro Se. Diane G. Senakievich, David  
Lee Wyant, BAILEY & WYANT, PLLC, Wheeling, West Virginia;

Stephen Mark Fowler, Kenneth Louis Hopper, Keith C. Gamble, PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC, Morgantown, West Virginia; Deva A. Solomon, Monte Lee Williams, STEPTOE & JOHNSON, LLP, Morgantown, West Virginia; John Michael Hedges, Teresa Jean Lyons, HEDGES LYONS & SHEPHERD, Morgantown, West Virginia, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carol. L. Gray Pizzuto seeks to appeal the district court's order adopting the report and recommendation of the magistrate judge. 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 Pizzuto seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny Pizzuto's motion for a transcript 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