

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-1928**

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DENNIS A. GIVENS,

Plaintiff - Appellant,

v.

SCOTT R. SMITH, individually and collectively; KEITH C. GAMBLE, individually and collectively; STEPHEN M. FOWLER, individually and collectively; D. LUKE FURBEE, individually and collectively; OFFICER S. A. ZIMMERMAN, individually and collectively; OFFICER J. E. DEAN, individually and collectively; J. C. WEAVER, a/k/a Jack C. Weaver, individually and collectively; HONORABLE JAMES P. MAZZONE, individually and collectively; HONORABLE ARTHUR M. RECHT, individually and collectively; HONORABLE RONALD E. WILSON, individually and collectively; KENNETH W. BLAKE, individually and collectively,

Defendants - Appellees.

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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-00145-FPS-JES)

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Submitted: December 19, 2013

Decided: December 23, 2013

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Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Dennis A. Givens, Appellant Pro Se. Diane G. Senakievich, David Lee Wyant, BAILEY & WYANT, PLLC, Wheeling, West Virginia;

Kenneth Louis Hopper, 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.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis A. Givens 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 Givens seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny Givens' 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