

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6623

KENNETH V. AWE,

Plaintiff - Appellant,

v.

HAROLD CLARKE, Director of VDOC,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:11-cv-00511-RAJ-LRL)

Submitted: July 18, 2013

Decided: July 23, 2013

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Kenneth V. Awe, Appellant Pro Se. James Milburn Isaacs, Jr., OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth V. Awe appeals the district court's order dismissing some defendants to his civil action and denying Awe's motions for a preliminary injunction, appointment of counsel, production of documents, and a venue transfer. 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 portion of the district court's order dismissing the action as to some defendants and denying Awe's motions for counsel, discovery, and a venue transfer is neither a final order nor an appealable interlocutory or collateral order. See Fed. R. Civ. P. 54(b); Nicholas v. Wyndham Int'l, Inc., 373 F.3d 537, 541 (4th Cir. 2004) (discovery orders); Miller v. Simmons, 814 F.2d 962, 967 (4th Cir. 1987) (orders denying appointment of counsel); Ellicott Mach. Corp. v. Modern Welding Co., 502 F.2d 178, 180 (4th Cir. 1974) (order denying venue transfer). Accordingly, we dismiss these aspects of the appeal for lack of jurisdiction.

The district court's denial of Awe's request for a preliminary injunction, however, is immediately appealable. 28 U.S.C. § 1292(a)(1) (2006). On appeal, we confine our review to the issues raised in the Appellant's brief. See 4th Cir. R. 34(b). Because Awe's informal brief does not challenge the

basis for the district court's denial of an injunction, Awe has forfeited appellate review of this portion of the court's order, and we affirm this portion of the appeal.

In summary, we affirm the portion of the court's order denying a preliminary injunction and dismiss the appeal as to all remaining issues. 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.

AFFIRMED IN PART;

DISMISSED IN PART