

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7005

CALVIN L. GADDY, a/k/a Calvin Lyndale Gaddy,

Plaintiff - Appellant,

v.

MR. ROBERT WARD; MRS. ANN HALLMAN; WARDEN LARRY CARTLEDGE;
AMY MACHANN, FSS #; ATTORNEY GENERAL'S OFFICE; DONALD
ALTMAN, Perry C. I., SCDC #261468,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Joseph F. Anderson, Jr., District
Judge. (8:12-cv-03549-JFA-JDA)

Submitted: August 22, 2013

Decided: August 27, 2013

Before MOTZ, DIAZ, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Calvin L. Gaddy, Appellant Pro Se. Steven Michael Pruitt,
MCDONALD, PATRICK, POSTON, HEMPHILL & ROPER, LLC, Greenwood,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin L. Gaddy seeks to appeal the district court's order adopting the magistrate judge's report and recommendation and dismissing Gaddy's 42 U.S.C. § 1983 (2006) complaint as to one of the named defendants. 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 Gaddy 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 Gaddy's motion for leave to file newly-discovered evidence and motion for default judgment. 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