UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-2244

MICHAEL ELLIS,

Plaintiff - Appellant,

v.

KANAWHA COUNTY PUBLIC LIBRARY,

Defendant - Appellee,

and

ALAN ENGLEBERT, Director,

Defendant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Thomas E. Johnston, District Judge. (2:15-cv-05698)

Submitted: March 30, 2017 Decided: April 6, 2017

Before DUNCAN, KEENAN, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Ellis, Appellant Pro Se. Craig W. Snethen, GORDON & REES, Pittsburgh, Pennsylvania, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Ellis seeks to appeal the district court's order partially granting the Appellee's motion to dismiss Ellis' complaint and referring the matter to a magistrate judge for consideration of the remaining claim. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Ellis seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal for lack of jurisdiction. We deny the Appellee's motion for sanctions and a prefiling injunction because Ellis' litigation does not warrant sanctions. See, e.g., Foley v. Fix, 106 F.3d 556, 558 (4th Cir. 1997) (sanctioning pro se litigant who filed 23 frivolous appeals in just over one year); Autry v. Woods, 106 F.3d 61, 63 (4th Cir. 1997) (sanctioning pro se litigant who filed more than a dozen actions in which he threatened, harassed, or demeaned women in the criminal justice system). 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