

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-6260**

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BART FITZGERALD MCCLAIN,

Plaintiff - Appellant,

v.

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY; COLUMBUS  
CORRECTIONAL INSTITUTION; PAT MCCRORY; FRANK PERRY; GEORGE  
SOLOMON; OFFICER LOCKLEAR; NORA HUNT; JENNIFER WALSH; CAPTAIN  
EVANS; CAPTAIN PREIST; SERGEANT HARRIS; SERGEANT FRANK; PRISON  
ATTENDANT FRITZE; PRISON ATTENDANT NOBLES,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Louise W. Flanagan,  
District Judge. (5:16-ct-03009-FL)

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Submitted: June 23, 2016

Decided: June 29, 2016

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Before MOTZ, KING, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Bart Fitzgerald McClain, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bart Fitzgerald McClain seeks to appeal the district court's order of February 5, 2016, denying McClain's motion to appoint counsel and for a subpoena. 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 McClain 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 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