

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2428

KIMBERLY T. SPENCE, f/k/a Kimberly S. Willis,

Plaintiff - Appellant,

and

WILLIAM M. WINDSOR,

Plaintiff,

v.

CARL J. WILLIS, II,

Defendant - Appellee,

and

WELLSTAR MEDICAL GROUP PEDIATRIC & ADOLESCENT CENTER;
ROMAN CATHOLIC CHURCH CARDINALS, of Atlanta; ROMAN CATHOLIC
ARCHDIOCESE, of Atlanta; ST. JOHN THE EVANGELIST CATHOLIC
SCHOOL AND LEADERSHIP; UNITED METHODIST CHURCH BISHOPS;
BEN HILL UNITED METHODIST CHURCH; BEN HILL CHRISTIAN
ACADEMY; WOODWARD ACADEMY; GEORGIA FARM BUREAU
MUTUAL INSURANCE COMPANY; GEORGIA FARM BUREAU CASUALTY
INSURANCE COMPANY; CREATE-A-LOAD KENNESAW; REUNION
PLACE SUBDIVISION; PAT ASTRIN; RE/MAX OF GEORGIA; PAT ASTRIN
PROPERTY MANAGEMENT LLC; CHELSEA BYNUM; MIA NICOLE
SPENCER; MAID OF THE MIST CORPORATION; SEAN M. BOUSHIE;
UNIVERSITY OF MONTANA; UNITED STATES OF AMERICA,

Defendants.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:17-cv-00272-D)

Submitted: March 13, 2018

Decided: May 4, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kimberly T. Spence, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kimberly T. Spence seeks to appeal the magistrate judge's memorandum and recommendation recommending that Spence's civil action be dismissed as frivolous. 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 memorandum and recommendation Spence seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See* 28 U.S.C. § 636(b)(1), (c)(1) (2012); Fed. R. Civ. P. 72(b); *Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir. 2004). Accordingly, we dismiss the appeal for lack of jurisdiction, and deny Spence's pending motions as moot. 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