

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1828

PHILLIP O'BRIANT,

Plaintiff - Appellant,

v.

NESTLE DREYER'S ICE CREAM; KELLI QUINN, Supervisor; CAITLIN BERMAN, HR Generalist; LANIK MCINTYRE, Human Resources Manager; BILL WOODS, Plant Manager; TERRENCE MURRAY; LISA NEASOM; LINDA HASTIE; DAVE BARBOUR,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Ellen L. Hollander, District Judge. (1:18-cv-01048-ELH)

Submitted: November 9, 2018

Decided: November 30, 2018

Before MOTZ, AGEE, and QUATTLEBAUM, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Phillip O'Briant, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Phillip O’Briant seeks to appeal the district court’s order dismissing his amended complaint as time-barred based on the limitations period for filing a Title VII lawsuit. In its final order, the district court did not adjudicate O’Briant’s claims under 42 U.S.C. § 1981 (2012) or his argument that his action was timely filed within the four-year statute of limitations period applicable to those claims. *See Lee v. Norfolk S. Ry. Co.*, 802 F.3d 626, 636 & n.8 (4th Cir. 2015) (citation omitted). 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 that O’Briant seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015) (“[I]f it appears from the record that the district court has not adjudicated all of the issues in a case, then there is no final order.”). Accordingly, we dismiss the appeal for lack of jurisdiction and remand the case to the district court to consider O’Briant’s Section 1981 claims. 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 AND REMANDED