

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 18-2285**

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HARRY LAWRENCE QUIGLEY,

Plaintiff - Appellant,

v.

CITY OF HUNTINGTON, WV; SHANE BILLS, in both his official and personal capacities; CASEY WILLIAMSON, in both his official and personal capacities; JOEY KOHER, in both his official and personal capacities; JASON SMITH, in both his official and personal capacities; JAMES TALBERT, in both his official and personal capacities,

Defendants - Appellees,

and

HUNTINGTON POLICE DEPARTMENT; JOSEPH CICCARELLI, et al. (in both their official and personal capacities),

Defendants.

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Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:17-cv-01906)

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Submitted: March 29, 2019

Decided: April 11, 2019

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Before NIEMEYER, DIAZ, and RICHARDSON, Circuit Judges.

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Dismissed and remanded by unpublished per curiam opinion.

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Harry Lawrence Quigley, Appellant Pro Se. Steven Kenneth Nord, OFFUTT NORD  
ASHWORTH, PLLC, Huntington, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Harry Lawrence Quigley seeks to appeal the district court's order accepting the recommendation of the magistrate judge and granting Defendants' motion for summary judgment in Quigley's 42 U.S.C. § 1983 (2012) action. He also seeks to appeal the district court's order denying his motion to recuse and the magistrate judge's order denying his motion to disqualify Defendants' counsel.

Although the parties have not questioned our jurisdiction, we "have an independent obligation to verify the existence of appellate jurisdiction." *Williamson v. Stirling*, 912 F.3d 154, 168 (4th Cir. 2018) (internal quotation marks omitted). This Court may exercise jurisdiction only over final orders and certain interlocutory and collateral orders. 28 U.S.C. §§ 1291, 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). Our review of the record reveals that the district court's order granting summary judgment is not a final order because the district court did not rule on Quigley's claims that W. Va. Const. art. VIII, § 10, and W. Va. Code Ann. § 61-7-11 (LexisNexis 2014), are unconstitutional. *See Porter v. Zook*, 803 F.3d 694, 696-97 (4th Cir. 2015).

Accordingly, we dismiss the appeal as interlocutory and remand to the district court for further consideration of the unresolved claims. *See Porter*, 803 F.3d at 699. 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*