

UNPUBLISHED

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

No. 18-6146

BRIAN DAMON FARABEE,

Plaintiff - Appellant,

v.

DR. ROBERT GARDELLA, Psychiatrist; CHRISTY F. MCFARLAND,
Psychologist; DANIEL HERR, Deputy Assistant Commissioner,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. Michael F. Urbanski, Chief District Judge. (7:16-cv-00326-MFU-RSB)

Submitted: August 31, 2020

Decided: September 24, 2020

Before GREGORY, Chief Judge, DIAZ, Circuit Judge, and SHEDD, Senior Circuit Judge.

Dismissed and remanded by unpublished per curiam opinion.

Brian Damon Farabee, Appellant Pro Se. Karen Amy Dill Taylor, Assistant Attorney
General, Pamela Brown Beckner, OFFICE OF THE ATTORNEY GENERAL OF
VIRGINIA, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian Damon Farabee seeks to appeal the district court's order granting summary judgment to the defendants in his civil action. We may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). "Ordinarily, a district court order is not final until it has resolved *all* claims as to all parties." *Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015) (internal quotation marks omitted).

Our review of the record reveals that the district court did not adjudicate all of the claims raised in the amended complaint. *See id.* at 696-97. Specifically, the court failed to address Farabee's claim in Count I of the complaint that Defendants violated his due process rights under the Fourteenth Amendment by denying him clinically recommended mental health treatment. We conclude that the order Farabee seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny the pending motions to appoint counsel as moot, dismiss the appeal for lack of jurisdiction, and remand to the district court for consideration of the unresolved claim. *See id.* at 699. We express no view on the merits of the claim. 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