

**UNPUBLISHED**

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

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**No. 19-7026**

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DEWAYNE BAKER, a/k/a Dwayne Baker,

Petitioner - Appellant,

v.

HAROLD CLARKE, Director, VDOC,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at  
Roanoke. Jackson L. Kiser, Senior District Judge. (7:18-cv-00620-JLK-JCH)

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Submitted: November 21, 2019

Decided: November 26, 2019

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Before KEENAN and DIAZ, Circuit Judges, and SHEDD, Senior Circuit Judge.

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Dismissed and remanded by unpublished per curiam opinion.

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DeWayne Baker, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwayne Baker seeks to appeal the district court's order dismissing his petition for immediate or speedier release pursuant to 28 U.S.C. § 2254 (2012). 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). "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 Baker's claim that prison officials disciplined him for his physical and mental disabilities in violation of his Eighth Amendment right against cruel and unusual punishment. Accordingly, we conclude that the order Baker seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. We therefore grant Baker leave to proceed in forma pauperis, deny his motions to appoint counsel and expedite a decision, dismiss the appeal for lack of jurisdiction, and remand to the district court for consideration of the unresolved claim. *Id.* 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*