

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-2329**

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FRANKLIN C. SMITH,

Plaintiff - Appellant,

v.

CPL D. N. BEAVERS, Corporal; CPL. UZZLE, Corporal/Intel; D. A. TAYLOR,  
Deputy/Intel; B. F. ROZAS, Deputy/Intel; J. VARGAS, Captain; CPL. DEVO,  
Corporal; CPL. CHRISTIE, Corporal; CPL. BRYANT, Corporal,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Norfolk. Mark S. Davis, Chief District Judge. (2:17-cv-00336-MSD-LRL)

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Submitted: July 29, 2021

Decided: August 5, 2021

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Before KING and FLOYD, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Franklin C. Smith, Appellant Pro Se. Jeff W. Rosen, PENDER & COWARD, PC, Virginia  
Beach, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Franklin C. Smith seeks to appeal the district court's order providing notice that Smith's action may be dismissed as a sanction for abusive litigation and giving Smith an opportunity to respond. Smith contends that the district court is avoiding addressing the merits of his claims.

This court 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). The order Smith seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. 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*