

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6241

RICHARD A. SMITH, JR.,

Plaintiff - Appellant,

v.

CO SINES, Hospital Transport Officer/Federal Corrections Officer; CO JOHN DOE
NO. 1, Hospital Transport Officer/Federal Corrections Officer; CO JOHN DOE NO.
2, Hospital Transport Officer/Federal Corrections Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:20-cv-00154-JPB-JPM)

Submitted: May 24, 2022

Decided: May 27, 2022

Before NIEMEYER, KING, and RICHARDSON, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Richard Allen Smith, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Allen Smith, Jr., seeks to appeal the district court's order dismissing on initial review his complaint pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). See 28 U.S.C. § 1915(e)(2)(B). 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). "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 complaint. *Id.* at 696-97. Specifically, the court failed to address Smith's deliberate-indifference claim alleging that he was deprived of medical care before and after his trip to the hospital. We conclude that 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 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