UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7344

LARRY DOTSON,

Plaintiff - Appellant,

versus

SHEILA TOLLIVER; PAUL CROUSE; DANNY ELSWICK; COUNTY OF BUCHANAN, W. J. Caudill, County Administrator; JAMES M. BEVINS; KERMIT OWENS; KIMBERLY DOTSON; EDWARD A. MATNEY,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CA-02-899)

Submitted: December 19, 2002 Decided: December 31, 2002

Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Larry Dotson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Larry Dotson seeks to appeal the district court's dismissal of his 42 U.S.C. § 1983 (2000) complaint alleging conspiracy to deny access to the courts without prejudice. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). Orders dismissing complaints without prejudice are generally interlocutory and not appealable. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Because Dotson may be able to preserve this action by amending his complaint to plead specific facts supporting his claims of conspiracy, we dismiss his appeal as interlocutory.

Dotson also seeks to recuse the district court judge from his case. Recusal may be granted if a reasonable person might reasonably question the judge's impartiality, and if the apparent bias stems from an extrajudicial source. See Liteky v. United States, 510 U.S. 540, 554 (1994); see also In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Because Dotson has failed to allege bias stemming from an extrajudicial source, we deny his motion to recuse. Dotson's motion for reconsideration of his motion to supplement the record is denied as moot as the docket sheet reflects that the district court forwarded the record to this court subsequent to denying Dotson's motion for reconsideration. We

dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED