UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7507

MICKEY L. PHILLIPS,

Plaintiff - Appellant,

versus

GOHAR ABBASI, Medical Doctor,

Defendant - Appellee,

and

G. MARSHAL, Head Nurse; MRS. CROCKETT, EMT,

Defendants.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CA-01-383-3)

Submitted: December 19, 2002 Decided: January 6, 2003

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

Dismissed by unpublished per curiam opinion.

Mickey L. Phillips, Appellant Pro Se. Lynne Jones Blain, HARMAN, CLAYTOR, CORRIGAN & WELLMAN, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mickey L. Phillips seeks to appeal from the magistrate judge's report and recommendation issued in his 42 U.S.C. § 1983 (2000) action. 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). The order Phillips seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we grant Appellee's motion to dismiss and dismiss the appeal for lack of jurisdiction. We deny Phillips' motion for appointment of counsel. 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