

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1676

DANIEL JOHNSON WILLIS,

Plaintiff - Appellant,

and

JONES COUNTY IMPROVEMENT ASSOCIATION,
INCORPORATED,

Plaintiff,

versus

DEPARTMENT OF TRANSPORTATION; LYNDY TIPPETT,
As Secretary; CAM MCRAE, As Public Official;
JAY CONVERSE, As Private Individuals And/Or
Their Successors; TANDS INCORPORATION, As
Private Individuals And/Or Their Successors,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at New Bern. Louise W. Flanagan, Chief
District Judge. (4:07-cv-00046-FL)

Submitted: November 21, 2007

Decided: December 11, 2007

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Daniel Johnson Willis, Appellant Pro Se. Scott A. Conklin, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina; Nicole A. Crawford, BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, Greensboro, North Carolina; John W. Ormand, III, BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Johnson Willis seeks to appeal the district court's order denying his motion for appointment of counsel. 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 Willis seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. See Miller v. Simmons, 814 F.2d 962, 967 (4th Cir. 1987) (an order denying appointment of counsel is not reviewable by interlocutory appeal). Accordingly, we deny Willis's motion for leave to proceed in forma pauperis and 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 the court and argument would not aid the decisional process.

DISMISSED