

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6559

JAMES ANDREW METCALF,

Plaintiff - Appellant,

v.

GEO GROUP, INCORPORATED, Contractor for Virginia Department of Corrections; MICHAEL BRECKON, Facility Administrator, LVCC - individually and in their official capacities; STEPHEN HERRICK, Director of Health Services - individually and in their official capacities; COURTNEY HARRIS, Health Services Administrator (HSA), LVCC - individually and in their official capacities; ANNETTE SCHWENDINGER, Facility Nurse Practitioner (FNP), LVCC - individually and in their official capacities; N. H. SCOTT, Deputy Director for Administration - individually and in their official capacities,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, Senior District Judge. (3:19-cv-00842-HEH-EWH)

Submitted: June 29, 2021

Decided: July 2, 2021

Before HARRIS, RICHARDSON, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Andrew Metcalf, Appellant Pro Se. John P. O'Herron, THOMPSON MCMULLAN PC, Richmond, Virginia; Grace Morse-McNelis, SANDS ANDERSON, PC, Richmond,

Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Andrew Metcalf seeks to appeal the district court's order dismissing without prejudice for failure to effect service of process his claims against one of the defendants in his civil suit and denying his motion for appointment of counsel. 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 Metcalf seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015) ("Ordinarily, a district court order is not 'final' until it has resolved all claims as to all parties."); *Al Shimari v. CACI Int'l, Inc.*, 679 F.3d 205, 213 (4th Cir. 2012) (describing collateral order doctrine, including requirement that order is "effectively unreviewable on appeal from a final judgment" (internal quotation marks omitted)); *Miller v. Simmons*, 814 F.2d 962, 964 (4th Cir. 1987) (denial of counsel not immediately appealable). Accordingly, we grant the motions to dismiss filed by Appellants Michael Breckton, GEO Group, Inc., and Annette Schwendinger 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 this court and argument would not aid the decisional process.

DISMISSED