

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-1000

REGINALD EVANS, in his Capacities as an Officer and Founder Grace Academies Inc.,

Plaintiff - Appellant,

and

GRACE ACHIEVEMENT CENTER FOR EXCELLENCE ACADEMIES' INC.,

Plaintiff,

v.

SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT,

Defendant - Appellee,

and

THE HONORABLE ELLEN WEAVER, in her Official Capacities as South Carolina State Superintendent of Education; THE HONORABLE HENRY DARGAN MCMASTER, in his Official Capacities as Governor of the State of South Carolina,

Defendants.

No. 24-1283

REGINALD EVANS, in his Capacities as an Officer and Founder Grace Academies Inc.,

Plaintiff - Appellant,

and

GRACE ACHIEVEMENT CENTER FOR EXCELLENCE ACADEMIES' INC.,

Plaintiff,

v.

SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT,

Defendant - Appellee,

and

THE HONORABLE ELLEN WEAVER, in her Official Capacities as South Carolina State Superintendent of Education; THE HONORABLE HENRY DARGAN MCMASTER, in his Official Capacities as Governor of the State of South Carolina,

Defendants.

Appeals from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., Senior District Judge; Shiva Vafai Hodges, Magistrate Judge. (3:23-cv-04966-JFA)

Submitted: July 25, 2024

Decided: July 29, 2024

Before GREGORY, HARRIS, and QUATTLEBAUM, Circuit Judges.

Dismissed in part, affirmed in part by unpublished per curiam opinion.

Reginald Evans, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald Evans seeks to appeal both the magistrate judge's report and recommendation and the district court's order accepting the recommendation and dismissing without prejudice the 42 U.S.C. § 1981 complaint Evans filed on behalf of Grace Achievement Center for Excellence Academies' Inc. ("Grace Achievement Center"). We dismiss in part and affirm in part.

The district court referred Evans' case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). When Evans failed to obtain counsel for Grace Achievement Center as directed, the magistrate judge recommended dismissing the action. Evans filed objections, and also noted an appeal from the magistrate judge's report and recommendation, Appeal No. 24-1000.

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). A magistrate judge's report and recommendation is neither a final order nor an appealable interlocutory or collateral order. *See Haney v. Addison*, 175 F.3d 1217, 1219 (10th Cir. 1999). Thus, we dismiss Evans' appeal of the magistrate judge's report and recommendation, No. 24-1000, for lack of jurisdiction.

In Appeal No. 24-1283, Evans challenges the district court's order dismissing his complaint for failure to obtain counsel for the corporation. We have reviewed the record

and find no reversible error.* *See Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993) (providing “a corporation may appear in the federal courts only through licensed counsel”). Accordingly, we affirm the district court's order. *Evans v. S.C. Pub. Charter Sch. Dist.*, No. 3:23-cv-04966-JFA (D.S.C. Mar. 27, 2024). 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 IN PART,
AFFIRMED IN PART*

* Because Evans failed to allege that he personally suffered an injury, the district court properly determined that he lacked standing to pursue the action on his own behalf.