

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6585**

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WALTER DUANE WHITE,

Plaintiff - Appellant,

v.

PUSHP K. CLAUDIUS; FREDDIE GORRIDO; SAMUEL L. BATTIS; D. R.  
STEPHENS,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. James C. Dever III,  
District Judge. (5:09-ct-03191-D)

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Submitted: October 14, 2010

Decided: October 21, 2010

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Before MOTZ, KING, and DAVIS, Circuit Judges.

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Dismissed in part; affirmed in part by unpublished per curiam  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

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Walter Duane White, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Walter Duane White seeks to appeal the district court's order denying his motion for the appointment of counsel and his motion for a preliminary injunction in this Bivens<sup>\*</sup> action. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The court's denial of White's motion for appointment of counsel is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss that portion of White's appeal for lack of jurisdiction. As for the denial White's motion for a preliminary injunction, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. White v. Claudius, No. 5:09-ct-03191-D (E.D.N.C. Apr. 6, 2010). 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 IN PART;  
AFFIRMED IN PART

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\* Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).