

APP |

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1672

TERESA MILLER,

Plaintiff - Appellant,

v.

JUDGE PHILLIP DOUGLAS GAUJOT, Monongalia County Circuit Court Judge; STEVEN FITZ; EDWARD ROLLO; MICHAEL PENNINGTON; DEANDRA BURTON; ASHLEY HUNT; MICHAEL PAMER; ROBERT W. TRUMBLE, United States District Court; WEST VIRGINIA SUPREME COURT OF APPEALS; CIRCUIT COURT OF MONONGALIA COUNTY; JUDGE SUMMERS; WILLIAM PENNINGTON; UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA; UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT,

Defendants - Appellees.

No. 18-6690

TERESA MILLER,

Plaintiff - Appellant,

v.

PHILLIP D. GAUJOT; EDMUND ROLLO; STEPHEN FITIZ; MS. DECHRISTOPHER; LESA REIDMAN/BARRET; LANCE KURTZA; WEST VIRGINIA PAROLE BOARD,

Defendants - Appellees.

Appeals from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., Senior District Judge. (2:17-cv-03951; 2:17-cv-04130)

Submitted: October 19, 2018

Decided: November 7, 2018

Before RICHARDSON and QUATTLEBAUM, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Teresa Miller, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Teresa Miller seeks to appeal the district court's order overruling her objections to the magistrate judge's rulings on her motions to transfer, for a change of venue, to amend her complaint, to admit additional evidence, and for a jury trial in her civil actions brought pursuant to 42 U.S.C. § 1983 (2012) and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).¹ This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order Miller seeks to appeal is neither a final order nor an appealable interlocutory or collateral order.² Accordingly, we dismiss the appeals 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

¹ Although this court has been named as a defendant-appellee in appeal No. 18-1672, we exercise our discretion to decide the appeal pursuant to the Rule of Necessity. *United States v. Will*, 449 U.S. 200, 211-17 (1980).

² Insofar as Miller seeks to appeal the magistrate judge's pretrial orders ruling on these nondispositive issues, we also lack jurisdiction to consider her appeals of those interlocutory orders.

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FILED: January 8, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1672 (L)
(2:17-cv-03951)

TERESA MILLER

Plaintiff - Appellant

v.

JUDGE PHILLIP DOUGLAS GAUJOT, Monongalia County Circuit Court Judge;
STEVEN FITZ; EDWARD ROLLO; MICHAEL PENNINGTON; DEANDRA
BURTON; ASHLEY HUNT; MICHAEL PAMER; ROBERT W. TRUMBLE,
United States District Court; WEST VIRGINIA SUPREME COURT OF
APPEALS; CIRCUIT COURT OF MONONGALIA COUNTY; JUDGE
SUMMERS; WILLIAM PENNINGTON; UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA; UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

Defendants - Appellees

No. 18-6690
(2:17-cv-04130)

TERESA MILLER

Plaintiff - Appellant

v.

PHILLIP D. GAUJOT; EDMUND ROLLO; STEPHEN FITZ; MS.

DECHRISTOPHER; LESA REIDMAN/BARRET; LANCE KURTZA; WEST VIRGINIA PAROLE BOARD

Defendants - Appellees

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Richardson, Judge Quattlebaum, and Senior Judge Hamilton.

For the Court

/s/ Patricia S. Connor, Clerk