

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1274

RICKEY W. BOMAR,

Plaintiff - Appellant,

versus

HOKE, INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., District Judge. (7:05-cv-01527-GRA)

Submitted: August 7, 2006

Decided: August 22, 2006

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Rickey W. Bomar, Appellant Pro Se. Wade Edward Ballard, Matthew J. Gilley, FORD & HARRISON, LLP, Spartanburg, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Rickey W. Bomar seeks to appeal from the district court's order accepting the recommendation of the magistrate judge in part and dismissing Bomar's complaint without prejudice for failure to state a claim upon which relief may be granted. Because Bomar could remedy his complaint's dismissal by amending the complaint to clarify his claims and the basis for federal jurisdiction, the district court's order is not reviewable. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1067 (4th Cir. 1993). Accordingly, we dismiss the appeal. 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