

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6781

WAYNE ELLIOTT WILKERSON,

Petitioner - Appellant,

v.

FRANK PERRY, Secretary of Public Safety,

Respondent - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:16-cv-00158-WO-JLW)

Submitted: February 17, 2017

Decided: September 11, 2017

Before KING, AGEE, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Wayne Elliott Wilkerson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wayne Elliot Wilkerson seeks to appeal the district court's order adopting the magistrate judge's recommendation and dismissing Wilkerson's 28 U.S.C. § 2254 (2012) petition without prejudice. 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). Because it is possible that Wilkerson could cure the defects in his petition through amendment, the order he seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623-25 (4th Cir. 2015). Accordingly, we 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