

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1710

DAVID E. HENDERSON,

Plaintiff - Appellant,

v.

JOHN NALAND, President American Foreign Service Association
(AFSA); SHARON LATE, General Counsel American Foreign
Service Association (AFSA),

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema,
District Judge. (1:08-cv-00535-LMB-TCB)

Submitted: November 13, 2008

Decided: November 19, 2008

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David E. Henderson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David E. Henderson appeals the district court's order dismissing without prejudice his complaint against Defendants asserting they wrongfully refused to assist him in obtaining the medical retirement benefits he was allegedly denied in 1981. Because Henderson may amend his complaint to cure the defects identified by the district court, the dismissal order is interlocutory and not appealable. See Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005); Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). 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 the court and argument would not aid the decisional process.

DISMISSED