

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1711**

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DAVID E. HENDERSON,

Plaintiff - Appellant,

v.

HENRY PAULSON, Secretary of Treasury,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:08-cv-00556-TSE-JFA)

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Submitted: November 13, 2008

Decided: November 18, 2008

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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David E. Henderson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David E. Henderson appeals the district court's order dismissing without prejudice his claims seeking money damages from Defendant for allegedly violating the Freedom of Information Act, 5 U.S.C. § 552 (2006), and the Privacy Act, 5 U.S.C. § 552a(g) (2006), and for failing to provide him his last paycheck.\* We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. See Henderson v. Paulson, No. 1:08-cv-00556-TSE-JFA (E.D. Va. June 2, 2008). 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.

AFFIRMED

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\* Generally, dismissals without prejudice are not appealable. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066 (4th Cir. 1993). A dismissal without prejudice could be final, however, if no amendment to the complaint could cure the defects in the plaintiff's case. Id. at 1066-67; see also Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005) (holdings that orders dismissing actions without prejudice are appealable). We find that the district court's order is a final, appealable order because the defects in Henderson's complaint must be cured by something more than an amendment to the complaint.