

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2395

VERA C. HARPER, on her behalf and as personal representative of the Estate of Wilson Clark Harper, Deceased; DAVID A. HARPER,

Plaintiffs - Appellants,

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION, a/k/a USAA; STEVE LEE; J. LOUIS BLANCO; STEPHEN HORVATH; JANICE BUCHMAN; JUDGE ROUSCH, Circuit Court Judge; JUDGE KEITH, Circuit Court Judge; JUDGE WOLDRIDGE; THE SUPREME COURT OF VIRGINIA; DOES 1-50,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:08-cv-00478-LO-TRJ)

Submitted: April 16, 2009

Decided: April 20, 2009

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Vera C. Harper, David A. Harper, Appellants Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Vera C. Harper and David A. Harper appeal the district court's order dismissing without prejudice their civil complaint and allowing them to file an amended complaint within sixty days of the entry of the court's order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). An order granting leave to amend is interlocutory as it leaves the case open for either amendment of the complaint or entry of final judgment. Jung v. K. & D. Mining Co., 356 U.S. 335, 337 (1958) (quoting Missouri & Kansas Interurban Ry. Co. v. City of Olathe, 222 U.S. 185, 186 (1911)); see also Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993) (a dismissal without prejudice is not generally appealable).

Accordingly, we dismiss the appeal for lack of jurisdiction. We further deny Appellants' motions to supplement the record on appeal and for oral argument. 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