

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1896

WILLIAM F. MARTIN, JR.,

Plaintiff - Appellant,

v.

KEVIN SCOTT BRACKETT, Solicitor of the Sixteenth Judicial
Circuit Court of Union and York County to be sued in his
Individual and Official Capacity,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. R. Bryan Harwell, District Judge.
(0:12-cv-00054-RBH)

Submitted: October 11, 2012

Decided: October 15, 2012

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William F. Martin, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William F. Martin, Jr., appeals the district court's order adopting the magistrate judge's recommendation and dismissing without prejudice Martin's 42 U.S.C. § 1983 (2006) complaint.* We have reviewed the record and find no reversible error. Accordingly, we affirm substantially for the reasons stated by the district court. Martin v. Brackett, No. 0:12-cv-00054-RBH (D.S.C. June 28, 2012); see Imbler v. Pachtman, 424 U.S. 409, 422, 427, 430-31 (1976); Carter v. Burch, 34 F.3d 257, 262-63 (4th Cir. 1994). 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

* While dismissals without prejudice generally are interlocutory and not appealable, a dismissal without prejudice may be final if no amendment to the complaint can cure the defect in the plaintiff's case. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). On the available record, we conclude that the defect identified by the district court cannot be cured by an amendment to the complaint and that the order therefore is appealable.