

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-1100**

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GREG GIVENS,

Plaintiff - Appellant,

v.

ROBERT NUTTING; ROBERT G. MCCOID; CASEY JUNKINS; TYLER  
REYNARD; WTOV, INC.,

Defendants - Appellees.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Wheeling. Irene M. Keeley,  
District Judge. (5:12-cv-00064-IMK-JES)

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Submitted: May 31, 2013

Decided: July 12, 2013

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Before NIEMEYER, SHEDD, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Greg Givens, Appellant Pro Se. John Raymond Merinar, Jr.,  
STEPTOE & JOHNSON, PLLC, Bridgeport, West Virginia; Robert G.  
McCoid, MCCAMIC, SACCO, PIZZUTI & MCCOID, PLLC, Wheeling, West  
Virginia; Walter P. DeForest, III, DEFOREST KOSCELNIK YOKITIS  
SKINNER & BERARDINELLI, Pittsburg, Pennsylvania, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Greg Givens appeals from the district court's order adopting the report and recommendation of the magistrate judge and dismissing Givens' civil complaint without prejudice for lack of jurisdiction and failure to state a claim. We conclude that the order is neither a final order nor an appealable interlocutory order. Since Givens may cure the pleading deficiencies in the complaint that were identified by the district court, see Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993), we dismiss this appeal for lack of jurisdiction. See Fed. R. Civ. P. 54. 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