

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1327

Y.B., a minor, by and through his mother I.F.,

Plaintiff - Appellant,

v.

ROBINSON SECONDARY SCHOOL,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis III, Senior District Judge. (1:13-cv-00124-TSE-TCB)

Submitted: July 18, 2013

Decided: July 22, 2013

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Y.B., Appellant Pro Se. John Francis Cafferky, Patricia Amberly Minson, BLANKINGSHIP & KEITH, PC, Fairfax, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Y.B., a minor child, by and through his mother, appeals the district court's order denying his motion to transfer to another high school and dismissing without prejudice his civil action. Y.B. also appeals the district court's order denying his motion to amend the caption of his case. We affirm in part and dismiss in part.

An order dismissing a complaint without prejudice generally is not an appealable order, see Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005), unless the action cannot be saved by merely amending the complaint. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993) (holding appellate court may evaluate particular grounds for dismissal to determine whether plaintiff could save action by merely amending complaint). With regard to the district court's denial of Y.B.'s claims under the Americans with Disabilities Act, the Rehabilitation Act, and Title IX of the Education Act of 1971, we conclude that this portion of the order is not appealable because Y.B. could amend the complaint to cure the defects identified by the district court. See id. Accordingly, we dismiss this portion of the appeal under Domino Sugar.

Next, because Y.B. does not challenge on appeal the basis for the district court's denial of his motion to transfer,

he has forfeited appellate review of that portion of the district court's order. Finally, we find no error in the district court's denial of the motion to amend the caption. Accordingly, we affirm this portion of the appeal.

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.

AFFIRMED IN PART;
DISMISSED IN PART