

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2218

PAMELA J. GORDON,

Plaintiff - Appellant,

v.

JAMES MADISON UNIVERSITY, Virginia,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Harrisonburg. Michael F. Urbanski,
District Judge. (5:12-cv-00124-MFU-BWC)

Submitted: January 21, 2014

Decided: January 23, 2014

Before MOTZ, KEENAN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Pamela J. Gordon, Appellant Pro Se. Ronald Nicholas Regnery,
Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pamela J. Gordon seeks to appeal the district court's order adopting the magistrate judge's recommendation and dismissing without prejudice her complaint alleging violations of the Age Discrimination in Employment Act. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders. 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-47 (1949). The order Gordon seeks to appeal is neither a final order nor an appealable interlocutory or collateral order because it is possible for her to cure the pleading deficiencies in the complaint that were identified by the district court. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993) (holding that order dismissing complaint without prejudice is final and appealable only if "no amendment [in the complaint] could cure the defects in the plaintiff's case" (internal quotation marks omitted)); see also Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005) (explaining that, under Domino Sugar, this court must "examine the appealability of a dismissal without prejudice based on the specific facts of the case in order to guard against piecemeal litigation and repetitive appeals").

Accordingly, we dismiss the appeal for lack of jurisdiction. 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