

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6497

TARONE M. JONES,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; WARDEN JAMES CROSS; J. CROGAN, Associate Warden; J. COAKLEY, Associate Warden; H. BOYLES, Health Service Administrator; M. WEAVER, Assistant Health Service Administrator; T. BROWN-STOBBE, Health Service/Care Provider; B. FRIEND, Health Service/Care Provider; I. ALARCON, Health Service/Care Provider; UNIT MANAGER R. MILTON, Unit Manager; L. HOLCOMB, Unit Case Manager; J. DICKSON, Unit Counselor; W. DOBUSHAK, Health Service/Care Provider; D. SWEENEY, Unit Manager,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, District Judge. (1:11-cv-00115-IMK-JSK)

Submitted: June 20, 2013

Decided: June 26, 2013

Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tarone M. Jones, Appellant Pro Se. Alan McGonigal, Assistant United States Attorney, Wheeling, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tarone M. Jones appeals the district court's order accepting the recommendation of the magistrate judge and dismissing with prejudice Jones' claims pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and dismissing without prejudice Jones' claims pursuant to the Federal Torts Claim Act, 28 U.S.C. § 1346(b) (2006), amended by Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54, 134, and 28 U.S.C. §§ 2671-2680 (2006).^{*} We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Jones v. United States, No. 1:11-cv-00115-IMK-JSK (N.D.W. Va. Mar. 12, 2013). We deny Jones' motion to appoint counsel, and 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

^{*} 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 defects 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 defects identified by the district court cannot be cured by an amendment to the complaint and that the order therefore is appealable.