

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7148

WINSTON C. JONES,

Plaintiff - Appellant,

v.

A. W. DANIEL, Unit Manager,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Anthony John Trenga,
District Judge. (1:13-cv-00266-AJT-JFA)

Submitted: November 22, 2013

Decided: December 6, 2013

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Winston C. Jones, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Winston C. Jones seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint without prejudice for failure to comply with the court's order to file an amended complaint specifically providing the names of each defendant and the actionable conduct attributable to each defendant. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders. 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-47 (1949). The order Jones seeks to appeal is neither a final order nor an appealable interlocutory or collateral order, because it is possible for him 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 an order dismissing a complaint without prejudice is a final, appealable order only if "no amendment [to 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