UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6386

HAROLD J. THORNTON,

Petitioner - Appellant,

v.

CHRISTOPHER ZYCH, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Glen E. Conrad, Chief District Judge. (7:14-cv-00065-GEC-RSB)

Submitted: May 29, 2014 Decided: June 3, 2014

Before SHEDD, WYNN, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Harold Jerome Thornton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Harold Jerome Thornton, a federal prisoner, appeals the district court's order dismissing his 28 U.S.C. § 2241 (2012) petition for lack of subject matter jurisdiction.* We have reviewed the record and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. Thornton v. Zych, No. 7:14-cv-00065-GEC-RSB (W.D. Va. Feb. 25, 2014). We deny Thornton's motion to appoint counsel and 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

* Although 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 defect 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 defect identified by the district court cannot be cured by an amendment to the petition and that the dismissal order therefore is appealable.