

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 15-6811**

---

DESMOND GEORGE HIBBERT,

Plaintiff - Appellant,

v.

THE VIRGINIA DEPARTMENT OF CORRECTIONS; SGT. COLLINS;  
JAMES CASTLE; JR COLEMAN,

Defendants - Appellees.

---

Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Jackson L. Kiser, Senior  
District Judge. (7:15-cv-00125-JLK-RSB)

---

Submitted: November 13, 2015

Decided: November 19, 2015

---

Before WILKINSON, KING, and SHEDD, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Desmond George Hibbert, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Desmond George Hibbert seeks to appeal the district court's order dismissing without prejudice his civil rights action under 42 U.S.C. § 1983 (2012) for failure to state a claim on which relief may be granted. 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, 545-46 (1949). Because the deficiencies identified by the district court may be remedied by the filing of an amended complaint, we conclude that the order Hibbert seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).

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