

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7981

BRIAN KEITH SILER,

Plaintiff - Appellant,

v.

MUNICIPALITY OF RANDOLPH COUNTY; MUNICIPALITY OF CASWELL
COUNTY; FRANK L. PERRY; BEN HOLLOMAN, JR.,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. Loretta C. Biggs,
District Judge. (1:15-cv-00961-LCB-LPA)

Submitted: April 19, 2016

Decided: May 4, 2016

Before DIAZ and FLOYD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed and remanded by unpublished per curiam opinion.

Brian Keith Siler, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian Keith Siler seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing his 42 U.S.C. § 1983 (2012) complaint without prejudice to his right to file a petition for a writ of habeas corpus or an amended complaint. 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). The order Siler seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. See Goode v. Central Va. Legal Aid, 807 F.3d 619 (4th Cir. 2015). Accordingly, we dismiss the appeal for lack of jurisdiction, and remand the case to the district court with instructions to allow Siler to file an amended complaint or petition. 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 AND REMANDED