

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-8032

SCHUYLER A. SPEECE,

Plaintiff - Appellant,

v.

PAMUNKEY REGIONAL JAIL,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, Senior District Judge. (1:15-cv-01277-LMB-IDD)

Submitted: March 29, 2016

Decided: April 1, 2016

Before GREGORY and DUNCAN, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed and remanded by unpublished per curiam opinion.

Schuyler A. Speece, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Schuyler A. Speece seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint without prejudice for failing to plead an essential element of his claim. 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). An order dismissing a complaint without prejudice is not an appealable final order if "the plaintiff could save his action by merely amending his complaint." Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Where a district court dismisses an action for failure to plead sufficient facts in the complaint, we lack appellate jurisdiction because the plaintiff could amend the complaint to cure the pleading deficiency. Goode v. Central VA Legal Aid Society, 807 F.3d 619, 624 (4th Cir. 2015). Accordingly, we dismiss the appeal and remand the case to the district court with instructions to allow Speece to file an amended complaint. See id. at 630.

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