

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7054

JOTHAM SIMMONS,

Plaintiff - Appellant,

v.

JEREMIAH BEAM; H. ERIC COHOON; THE CITY OF MYRTLE BEACH,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence.
R. Bryan Harwell, District Judge. (4:15-cv-03401-RBH)

Submitted: March 28, 2017

Decided: April 17, 2017

Before TRAXLER, WYNN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jotham Simmons, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jotham Simmons, a federal inmate, appeals the district court's order accepting the recommendation of the magistrate judge and dismissing without prejudice his complaint brought pursuant to 42 U.S.C. § 1983 (2012) and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 394-95 (1971).^{*} We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Simmons v. Beam*, No. 4:15-cv-03401-RBH (D.S.C. July 28, 2016). 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.

AFFIRMED

^{*} We have jurisdiction over the appeal because Simmons cannot cure by mere amendment the defect identified in his complaint. *See Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623-24 (4th Cir. 2015) (discussing *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1066-67 (4th Cir. 1993)).