

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7063

RONALD MCCLARY,

Plaintiff - Appellant,

v.

BELQUIS HOPKINS, Lead Nurse; DAVID MITCHELL; ANTHONY SEARLES,

Defendants - Appellees,

and

EAVES, Nurse,

Defendant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Frank D. Whitney, Chief
District Judge. (3:16-cv-00088-FDW)

Submitted: November 17, 2016

Decided: November 22, 2016

Before GREGORY, Chief Judge, and MOTZ and TRAXLER, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Ronald McClary, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald McClary seeks to appeal the district court's order and judgment dismissing without prejudice his 42 U.S.C. § 1983 (2012) 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, 545-47 (1949). Because the deficiencies identified by the district court may be remedied by filing an amended complaint, we conclude that the order McClary seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. See Goode v. Cent. Va. Legal Aid Soc'y, Inc., 807 F.3d 619, 623-24 (4th Cir. 2015); Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we dismiss this appeal for lack of jurisdiction and remand the case to the district court with instructions to allow McClary to amend his complaint. Goode, 807 F.3d 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