

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-1620**

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TITO KNOX,

Plaintiff - Appellant,

v.

ELENA KLIMBAL, PMHNPPC; OFFICER GRAHAM,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior District Judge. (6:17-cv-00713-HMH)

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Submitted: August 17, 2017

Decided: August 21, 2017

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Before KEENAN, THACKER, and HARRIS, Circuit Judges.

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Dismissed and remanded by unpublished per curiam opinion.

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Tito Lemont Knox, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

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