

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6192

LORENZO DESHON STEPHENS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Bruce H. Hendricks, District Judge. (0:16-cv-00149-BHH)

Submitted: September 27, 2017

Decided: October 4, 2017

Before KING, AGEE, and WYNN, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Lorenzo Deshon Stephens, Appellant Pro Se. Marshall Prince, II, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lorenzo Deshon Stephens seeks to appeal the district court's order adopting in part the magistrate judge's report, granting the Defendant's motion to dismiss, and dismissing Stephens' complaint without prejudice. 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 district court identified deficiencies in two of Stephens' claims that Stephens may be able to remedy by filing an amended complaint. Specifically, the district court dismissed Stephens' breach of confidentiality claim for failure to allege that the person committing the wrongful act was a physician, and dismissed the negligence claim for failure to plead facts substantiating Stephens' alleged damages. Because Stephens might be able to cure these defects by filing an amendment to the complaint, we conclude that the order Stephens seeks to appeal is neither a final order nor an appealable interlocutory 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 the appeal for lack of jurisdiction and remand the case to the district court with instructions to allow Stephens 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