

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6413

JAMES J. JARDINA,

Plaintiff - Appellant,

v.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;
RICHARD J. GRAHAM, JR., Warden (WCI); DENISE GELSINGER, Asst.
Warden (WCI); B. ZILER, CO II; WEXFORD HEALTH SOURCES, INC.;
ROBUSTIANO BARRERA, Doctor (WCI); BEVERLY MCLAUGHLIN,
C.R.N.P.,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
James K. Bredar, District Judge. (1:16-cv-01255-JKB)

Submitted: August 15, 2017

Decided: August 23, 2017

Before MOTZ, DUNCAN, and DIAZ, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

James J. Jardina, Appellant Pro Se. Ankush Nayar, OFFICE OF THE ATTORNEY
GENERAL OF MARYLAND, Baltimore, Maryland; Joseph Barry Chazen, Gina Marie
Smith, MEYERS, RODBELL & ROSENBAUM, PA, Riverdale, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James J. Jardina seeks to appeal the district court's order granting summary judgment to certain defendants on some claims in his civil complaint, dismissing some claims with prejudice, and dismissing the remaining claims 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, 545–47 (1949). Because the district court identified a deficiency that Jardina may remedy by filing an amended complaint, we conclude that the order Jardina 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 deny Jardina's motions for appointment of counsel and for entry of default judgment, dismiss the appeal for lack of jurisdiction, and remand the case to the district court with instructions to allow Jardina to file an amended complaint. 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