

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6590**

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LIONEL THOMAS HURD,

Plaintiff - Appellant,

v.

DARA ROBICHAUX, Warden; MARION CORRECTIONAL TREATMENT  
CENTER,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of Virginia, at  
Roanoke. James P. Jones, District Judge. (7:16-cv-00550-JPJ-RSB)

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Submitted: August 17, 2017

Decided: August 22, 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Dismissed and remanded by unpublished per curiam opinion.

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Lionel Thomas Hurd, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Lionel Thomas Hurd seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint without prejudice for failure 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, 545-46 (1949). Because Hurd may be able to remedy the pleading deficiencies identified by the district court by filing an amended complaint, we conclude that the order Hurd seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *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 Hurd to amend his complaint. *Goode*, 807 F.3d at 630. We deny the motion to appoint counsel. 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*