

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-7621**

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OLANDIO RAY WORKMAN,

Plaintiff - Appellant,

v.

MORRISON HEALTHCARE; THERESA DRUMMOND; BON SECOURS  
HEALTHCARE SYSTEM,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at  
Greenville. R. Bryan Harwell, District Judge. (6:17-cv-01229-RBH)

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Submitted: April 19, 2018

Decided: June 4, 2018

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Before GREGORY, Chief Judge, and THACKER and HARRIS, Circuit Judges.

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Dismissed and remanded by unpublished per curiam opinion.

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Olandio Ray Workman, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Olandio Ray Workman seeks to appeal from the district court's orders accepting the recommendation of the magistrate judge and dismissing without prejudice his 42 U.S.C. § 1983 (2012) complaint. We dismiss the appeal as interlocutory and remand for further proceedings.

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 order from which Workman seeks to appeal does not “clearly preclude amendment,” Workman may be able to remedy the deficiencies identified by the district court by filing an amended complaint. Accordingly, the district court's dismissal order 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).

We therefore dismiss this appeal for lack of jurisdiction. *Goode*, 807 F.3d at 630. In *Goode*, we remanded to the district court with instructions to allow amendment of the complaint. *Id.* Here, however, the district court already has afforded Workman the opportunity to amend. Accordingly, we direct on remand that the district court, in its discretion, either afford Workman another opportunity to file an amended complaint or dismiss the complaint with prejudice, thereby rendering the dismissal order a final, appealable order. 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*