

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1218

SILVESTER WOODS,

Plaintiff - Appellant,

v.

AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS, d/b/a
Continental American Insurance Company,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Leonie M. Brinkema, District Judge. (1:17-cv-01449-LMB-IDD)

Submitted: May 24, 2018

Decided: May 30, 2018

Before NIEMEYER, MOTZ, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Silvester Woods, Appellant Pro Se. David Charles Numrych, LAW OFFICES OF
DAVID C. NUMRYCH, PC, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Silvester Woods appeals the district court’s order dismissing without prejudice his civil complaint alleging a breach of contract claim. We have reviewed the record and find no reversible error. Accordingly, we affirm for the alternative reason identified by the district court, to wit: that Woods’ medical condition—obstructive sleep apnea—was not covered under the supplemental insurance policy through which Woods sought payment, and thus his complaint failed to state a claim upon which relief could be granted.* *See* Fed. R. Civ. P. 12(b)(6). *See Woods v. AFLAC*, No. 1:17-cv-01449-LMB-IDD (E.D. Va. Feb. 1, 2018). We deny Woods’ motion for the appointment of 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 in the decisional process.

AFFIRMED

* We conclude that, although the complaint was dismissed without prejudice, it qualifies as a final, appealable order because Woods could not simply amend his complaint to cure this defect. *See Goode v. Cent. Va. Legal Aid Soc’y, Inc.*, 807 F.3d 619, 629-30 (4th Cir. 2015) (holding that dismissal without prejudice is not appealable unless “the district court’s grounds for dismissal clearly indicate that no amendment could cure the complaint’s defects”).