

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6528

DAVID MICHAEL TROTMAN, JR.,

Plaintiff - Appellant,

v.

C.S.H., Central State Hospital; DR. JACK BARBER; V.D.B.H.D.S; DOCTOR ALBRIGHT, 39 - Number Indicates Building; FNU LOFTON-BEACH, 39 - Number Indicates Building; FNU WILKERSON, 39 - Number Indicates Building; DR. YARATHA, 39 - Number Indicates Building; FNU LEE, 39 - Number Indicates Building; DR. MAGAKEAN, 39 - Number Indicates Building; JOHN ERNST, 39 - Number Indicates Building; FNU MCDOWELL, 39 - Number Indicates Building; FNU LYTE, 39 - Number Indicates Building; FNU GASKILL, 39 - Number Indicates Building; FNU GRAVES, 39 - Number Indicates Building; FNU MILES, 39 - Number Indicates Building; FNU HARPER, 39 - Number Indicates Building; FNU JONES, 113 - Number Indicates Building; FNU FISHER, 95 - Number Indicates Building; FNU PARHAM, 95 - Number Indicates Building; DR. GROGAN, 39 - Number Indicates Building; TRACY HENDERSON, 39 - Number Indicates Building; FNU BAILEY, 39 - Number Indicates Building; DR. RANDALL FORBES, 113 - Number Indicates Building,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:17-cv-00716-REP)

Submitted: September 18, 2018

Decided: September 21, 2018

Before WILKINSON and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed in part, dismissed in part, and remanded by unpublished per curiam opinion.

David Michael Trotman, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Michael Trotman, Jr., appeals the district court's order denying relief on his civil complaint. We dismiss as interlocutory the portion of the order dismissing Defendants Barber, Fisher, Parham, Grogan, and Henderson without prejudice 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 this portion of the order from which Trotman seeks to appeal does not “clearly preclude amendment,” Trotman may be able to remedy the deficiencies identified by the district court by filing an amended complaint. Accordingly, the district court's dismissal order as to these Defendants 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 portion of the 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 Trotman the opportunity to amend. Accordingly, we direct on remand that the district court, in its discretion, either afford Trotman another opportunity to file an amended complaint or dismiss the complaint with prejudice, thereby rendering this portion of the dismissal order a final, appealable order.

As to the remainder of the district court's order, we have reviewed the record and find no reversible error. Accordingly, we affirm the remainder of the order for the reasons stated by the district court. *Trotman v. Central State Hosp.*, No. 3:17-cv-00716-REP (E.D. Va. Feb. 2, 2018). 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.

*AFFIRMED IN PART,
DISMISSED IN PART,
AND REMANDED*