

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-1075

SALLY HEYNS,

Plaintiff - Appellant,

v.

SELECT PORTFOLIO SERVICING, INC.; JP MORGAN CHASE BANK; DOES
1 TO 50, Inclusive,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. T.S. Ellis, III, Senior District Judge. (1:18-cv-01429-TSE-MSN)

Submitted: April 4, 2019

Decided: April 10, 2019

Before NIEMEYER and HARRIS, Circuit Judges, and SHEDD, Senior Circuit Judge.

Dismissed and remanded by unpublished per curiam opinion.

Sally Heyns, Appellant Pro Se. John Alexander Nader, MCGLINCHEY STAFFORD,
PLLC, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sally Heyns filed a civil complaint alleging that Defendants engaged in fraud, negligence, and misrepresentation with respect to a mortgage note. Heyns seeks to appeal the district court's order dismissing her action without prejudice pursuant to 28 U.S.C. § 1915(e) (2012).

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). In its dismissal order, the district court advised that Heyns “may file a new complaint to the extent that she can articulate viable claim(s) and sufficient facts to support those claim(s).” Because Heyns could potentially amend her complaint to cure the defects identified by the district court, the order she seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Goode v. Cent. Va. Legal Aid Soc’y*, 807 F.3d 619, 623-25, 628-30 (4th Cir. 2015). Accordingly, we dismiss the appeal for lack of jurisdiction and remand the case to the district court with instructions to allow Heyns 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