

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-6213**

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RICHARD LEO WILLIAMS,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:18-cv-00958-CMH-JFA)

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Submitted: June 25, 2019

Decided: July 18, 2019

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Before WILKINSON and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed and remanded by unpublished per curiam opinion.

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Richie Leo Williams, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Leo Williams, a Virginia inmate, seeks to appeal the district court's order dismissing without prejudice his 28 U.S.C. § 2254 (2012) petition. 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 the district court dismissed Williams' petition for failure to comply with the court's orders directing him to file his petition on the appropriate standardized form, we conclude that the order Williams seeks to appeal 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). Accordingly, we grant leave to proceed in forma pauperis, deny as unnecessary Williams' motion for a certificate of appealability, and dismiss the appeal for lack of jurisdiction.

In *Goode*, we remanded to the district court with instructions to allow amendment of the complaint. 807 F.3d at 630. Here, however, the district court already has provided Williams two opportunities to amend. Accordingly, we direct on remand that the district court, in its discretion, either afford Williams another opportunity to file his petition on the appropriate form\* or dismiss the petition with prejudice, thereby rendering its

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\* Pursuant to the district court's orders, Williams filed two amended § 2254 petitions using the correct standardized form. However, in concluding that Williams failed to comply with its orders, the district court did not mention either of these standard  
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dismissal order a final, appealable judgment. 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*

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form petitions. Thus, we cannot discern whether the court found these filings insufficient or simply overlooked them.