

UNPUBLISHED

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

No. 20-1738

LARRY E. KLAYMAN,

Plaintiff - Appellant,

v.

THOMAS J. FITTON,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:20-cv-00135-LMB-IDD)

Submitted: February 18, 2021

Decided: February 22, 2021

Before NIEMEYER, KING, and FLOYD, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Larry E. Klayman, Appellant Pro Se. Richard Wayne Driscoll, DRISCOLL & SELTZER PLLC, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Klayman appeals the district court's order granting Thomas Fitton's motion to dismiss Klayman's complaint, in which Klayman relied on diversity jurisdiction to raise state law claims for tortious interference and defamation, as well as its order denying Klayman's motions for reconsideration and to amend his complaint. We have reviewed the record and find no reversible error. Accordingly, although we affirm for the reasons stated by the district court, *see Klayman v. Fitton*, No. 1:20-cv-00135-LMB-IDD (E.D. Va. Apr. 28, 2020; June 17, 2020), we modify the district court's judgment to reflect that the action is dismissed without prejudice, *see S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013) (explaining that when a court "lacks jurisdiction [it] has no power to adjudicate and dispose of a claim on the merits"); *see also Intera Corp. v. Henderson*, 428 F.3d 605, 621 (6th Cir. 2005) ("[U]pon a determination that personal jurisdiction is lacking, a court should not dismiss a case on the merits."). 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 AS MODIFIED