

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-2297**

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NELSON L. BRUCE,

Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A., a/k/a Bank of America,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at  
Charleston. Bruce H. Hendricks, District Judge. (2:19-cv-03456-BHH-KDW)

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Submitted: March 23, 2021

Decided: March 26, 2021

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Before THACKER, QUATTLEBAUM, and RUSHING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Nelson L. Bruce, Appellant Pro Se. Brian Allen Calub, MCGUIREWOODS, LLP,  
Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nelson L. Bruce seeks to appeal the district court's order adopting the magistrate judge's recommendation and denying Bruce's motion to amend his complaint. For the reasons that follow, we dismiss the appeal.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). Because Bruce's action remains pending in the district court, we conclude that the order Bruce seeks to appeal is not a final order. *See Ray Haluch Gravel Co. v. Cent. Pension Fund of Int'l Union of Operating Eng'rs & Participating Emp'rs*, 571 U.S. 177, 183 (2014) ("In the ordinary course a final decision is one that ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." (internal quotation marks omitted)). Furthermore, because the order is neither unreviewable on appeal nor addressed to issues separate from the merits of Bruce's action, we conclude that the order is not an appealable collateral order. *See Will v. Hallock*, 546 U.S. 345, 349 (2006) (providing requirements for collateral order appeal). Finally, the order on appeal does not fall within the scope of appealable interlocutory orders listed in 28 U.S.C. § 1292.

Accordingly, we dismiss the appeal for lack of jurisdiction. 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*