

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7248

MARCO OWENS,

Plaintiff - Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; WARDEN
WASHINGTON; HEAD QUARTERS CLASSIFICATION; OFFICER COKLY;
DIRECTOR BRYAN STERLING; MAJOR OCEAN,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Bruce H. Hendricks, District Judge. (1:20-cv-00476-BHH)

Submitted: May 19, 2022

Decided: June 17, 2022

Before NIEMEYER and KING, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed and remanded by unpublished per curiam opinion.

Marco Owens, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marco Owens appeals the district court’s order dismissing without prejudice his 42 U.S.C. § 1983 complaint.* 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). “[D]ismissals without prejudice generally are not appealable ‘unless the grounds for dismissal clearly indicate that no amendment in the complaint could cure the defects in the plaintiff’s case.’” *Bing v. Brivo Sys., LLC*, 959 F.3d 605, 610 (4th Cir. 2020) (quoting *Domino Sugar Corp. v. Sugar Workers Loc. Union 392*, 10 F.3d 1064, 1067 (4th Cir. 1993)), *cert. denied*, 141 S. Ct. 1376 (2021). Because the district court recognized the possibility that amendment could cure the defects in Owens’ complaint as to certain claims, we conclude that the court’s order is neither a final order nor an appealable interlocutory or collateral order.

Accordingly, we dismiss the appeal for lack of jurisdiction and remand to the district court with instructions to allow Owens to amend the 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

* We previously remanded this case to the district court for the limited purpose of enabling the court to determine whether Owens had shown excusable neglect or good cause warranting an extension of the time to appeal. *See Owens v. S.C. Dep’t of Corr.*, 837 F. App’x 211 (4th Cir. 2021) (No. 20-7248). On remand, the district court granted Owens an extension of time to file a notice of appeal and deemed his notice of appeal timely filed.