

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-7704**

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KAREEM AKEEM OLATUWAN, SR.,

Plaintiff - Appellant,

v.

DR. OFAGH, Mediko, PC; STUART BROTH, Dentist, Mediko, PC; DIXIE DELUTIS, Health Service Administrator, Mediko, PC; KYLA BROWN, RN, Mediko, PC, Director of Nursing; J. WOMACK, Lt., Mediko, PC, Liaison; ANTIONETTE IRVING, Sheriff, Head of Jail; R. HUNT, Major, Supervisor of Jail Operations; HAROLD W. CLARKE, Director, Virginia Department of Corrections; MARK HERRING, Attorney General; LEVAR STONEY, Mayor of Richmond, Virginia,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, Senior District Judge. (3:21-cv-00004-HEH-EWH)

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Submitted: April 26, 2022

Decided: April 29, 2022

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Before AGEE and THACKER, Circuit Judges, and FLOYD, Senior Circuit Judge.

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Dismissed and remanded by unpublished per curiam opinion.

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Kareem Akeem Olatuwan, Sr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kareem Akeem Olatuwan, Sr., seeks to appeal the district court’s order dismissing his amended 42 U.S.C. § 1983 complaint without prejudice for failure to file a second particularized complaint containing specific allegations to support his claims. 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 the order that Olatuwan seeks to appeal does not “clearly indicate that no amendment in the complaint could cure the defects in [his] case,” he may be able to remedy the deficiencies identified by the district court by filing an amended complaint. *Bing v. Brivo Sys., LLC*, 959 F.3d 605, 610 (4th Cir. 2020) (internal quotation marks omitted), *cert. denied*, 141 S. Ct. 1376 (2021). Accordingly, the court’s dismissal order is neither a final order nor an appealable interlocutory or collateral order. *Id.*

We therefore dismiss this appeal for lack of jurisdiction. Because the district court has already provided Olatuwan two opportunities to amend, we direct on remand that the court, in its discretion, either afford Olatuwan another opportunity to amend or dismiss the complaint with prejudice, thereby rendering the 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*