

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1953

KLEANTHIS N. ANDREADAKIS,

Plaintiff - Appellant,

v.

CENTERS FOR DISEASE CONTROL AND PREVENTION; DEPARTMENT OF HEALTH AND HUMAN SERVICES; AMERICAN AIRLINES; JETBLUE AIRWAYS; SOUTHWEST AIRLINES; UNITED AIRLINES; NUMEROUS YET-TO-BE-NAMED EMPLOYEES OF THE 4 AIRLINES; STAT-MD,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. David J. Novak, District Judge. (3:22-cv-00052-DJN)

Submitted: February 29, 2024

Decided: April 23, 2024

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

Affirmed as modified in part and dismissed in part by unpublished per curiam opinion.

Kleanthis Nicholas Andreadakis, Appellant Pro Se. Alisa Beth Klein, Brian James Springer, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; Jonathan Tyler Lucier, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia; Milton Roy Goldberg, STINSON LLP, Washington, D.C.; Douglas Michael Grimsley, DICKIE, MCCAMEY & CHILCOTE, PC, Pittsburgh, Pennsylvania, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kleanthis N. Andreadakis appeals the district court's order dismissing his pro se complaint alleging federal and state law claims against, inter alia, the Centers for Disease Control and Prevention and the Department of Health and Human Services (the "Government Defendants"), plus four airlines (the "Airline Defendants"). The district court dismissed without prejudice Andreadakis' claims against the Government Defendants for lack of subject matter jurisdiction and dismissed with prejudice Andreadakis' claims against the Airline Defendants for failure to state a claim upon which relief can be granted, *see* Fed. R. Civ. P. 12(b)(6).

We have reviewed the record and discern no reversible error. Accordingly, we affirm the district court's order, *Andreadakis v. CDC*, No. 3:22-cv-00052-DJN (E.D. Va. July 11, 2022), but we modify the dismissal of Andreadakis' claims against the Airline Defendants to be without prejudice, *see King v. Rubenstein*, 825 F.3d 206, 225 (4th Cir. 2016) ("[T]he district court neither gave [the pro se plaintiff] the opportunity to amend nor did it engage in any discussion as to why amendment would be futile. In such a situation, the dismissal should generally be without prejudice.").*

We also grant STAT-MD's unopposed motion to dismiss this appeal as to itself and dismiss the appeal in part. We dispense with oral argument because the facts and legal

* Insofar as Andreadakis challenges the district court's order denying his motion for an extension of time to respond to the Airline Defendants' motion to dismiss, we are satisfied that the court did not abuse its discretion in denying an extension. *See Carefirst of Md., Inc. v. Carefirst Pregnancy Ctrs., Inc.*, 334 F.3d 390, 396, 403 n.9 (4th Cir. 2003) (explaining standard of review).

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED AS MODIFIED IN PART
AND DISMISSED IN PART*