

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7625

LEVANCE ADDISON,

Plaintiff - Appellant,

v.

KENNY BOONE, FCSO; WAYNE BIRD, DCSO,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. R. Bryan Harwell, District Judge. (4:16-cv-02855-RBH)

Submitted: March 30, 2017

Decided: April 4, 2017

Before TRAXLER and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed and remanded by unpublished per curiam opinion.

LeVance Addison, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

LeVance Addison seeks to appeal the district court's order adopting the magistrate judge's report and recommendation and dismissing without prejudice his 42 U.S.C. § 1983 (2012) complaint for failing to state a claim. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-47 (1949). Because the deficiencies identified by the district court may be remedied by the filing of an amended complaint, we conclude that the order Addison seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we deny Addison's motions to appoint counsel, dismiss the appeal for lack of jurisdiction, and remand the case to the district court with instructions to allow Addison to file an amended complaint. *See Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623-24 (4th Cir. 2015). 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