

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1278

ALLEN J. ZAKKI,

Plaintiff - Appellant,

versus

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-99-3161-AMD)

Submitted: May 11, 2000

Decided: May 16, 2000

Before MURNAGHAN, LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen J. Zakki, Appellant Pro Se. Allen F. Loucks, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Allen J. Zakki appeals the district court's order dismissing without prejudice his action seeking review of the issues involved in his claim for Supplemental Security Income.* We have reviewed the record, find no reversible error, and affirm on the reasoning of the district court. See Zakki v. Department of Health and Human Servs., No. CA-99-3161-AMD (D. Md. Feb. 29, 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* Generally, dismissals without prejudice are not appealable. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). However, a dismissal without prejudice may be considered final if no amendment to the complaint could cure defects in the plaintiff's case. See id. We find that the district court's order is a final, appealable order because the defect in Zakki's complaint--his failure to exhaust his administrative remedies--must be cured by something more than an amendment to his complaint.