

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1209

PEARLENE J. HAMLER,

Plaintiff - Appellant,

versus

ANN VENEMAN, Secretary of Agriculture; SAMUEL
L. WHITE, P.C.; MEDIA GENERAL, INCORPORATED;
JOHN ASHCROFT, United States Attorney General;
JOHN POTTER, Postmaster General,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Lynchburg. Norman K. Moon, District Judge.
(CA-02-8-6)

Submitted: May 16, 2002

Decided: May 22, 2002

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Pearlene J. Hamler, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Pearlene J. Hamler appeals from the district court's order dismissing without prejudice her complaint in which she asserted a number of claims with respect to real property that was owned by her now-deceased parents. The district court's dismissal without prejudice is not appealable. See Domino Sugar Corp. v. Sugar Workers' Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).

A dismissal without prejudice is a final order only if "no amendment [in the complaint] could cure the defects in the plaintiff's case." Id. at 1067 (quoting Coniston Corp. v. Vill. of Hoffman Estates, 844 F.2d 461, 463 (7th Cir. 1988)). In ascertaining whether a dismissal without prejudice is reviewable in this court, the court must determine "whether the plaintiff could save his action by merely amending his complaint." Id. at 1066-67. In this case, Hamler may move in the district court to reopen her case and to file an amended complaint specifically alleging facts sufficient to state a claim. Therefore, the dismissal order is not appealable. Accordingly, we dismiss the appeal for lack of jurisdiction. We also deny Hamler's pending motions for summary judgment, motion for judgment of obstruction of justice, and motion to consolidate. 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.

DISMISSED