

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6810

JAMES CEDRIC HARRIS,

Plaintiff - Appellant,

v.

HARLEY LAPPIN, Director; HAROLD WATTS, National Coordinator
Administrative Remedy; VANESSA P. ADAMS, Warden; SIMPSON,
Dr., National RDAP Coordinator; ENGLE, Associate Warden;
TIA PATRICK, RDAP Coordinator; A. C. BRO, Lieutenant,

Defendants - Appellees,

and

FEDERAL BUREAU OF PRISONS,

Defendant.

No. 11-7066

JAMES CEDRIC HARRIS,

Plaintiff - Appellant,

v.

HARLEY LAPPIN, Director; HAROLD WATTS, National Coordinator
Administrative Remedy; VANESSA P. ADAMS, Warden; SIMPSON,
Dr., National RDAP Coordinator; ENGLE, Associate Warden;
TIA PATRICK, RDAP Coordinator; A. C. BRO, Lieutenant,

Defendants - Appellees,

and

FEDERAL BUREAU OF PRISONS,

Defendant.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. M. Hannah Lauck, Magistrate Judge; Henry E. Hudson, District Judge. (3:09-cv-00276-HEH)

Submitted: October 13, 2011

Decided: October 18, 2011

Before SHEDD, AGEE, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Cedric Harris, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, James Cedric Harris seeks to appeal the magistrate judge's order denying his motion to appoint counsel (No. 11-6810) and the district court's order adopting the recommendation of the magistrate judge and dismissing his civil action without prejudice for failure to state a claim on which relief may be granted (No. 11-7066).

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-47 (1949). "[A] plaintiff may not appeal the dismissal of his complaint without prejudice unless the grounds for dismissal clearly indicate that no amendment [in the complaint] could cure the defects in the plaintiff's case." Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1067 (4th Cir. 1993) (internal quotation marks omitted). In ascertaining whether a dismissal without prejudice is reviewable in this court, we must determine whether the plaintiff "could save his action by merely amending his complaint." Id. at 1066-67.

The district court's grounds for dismissal of Harris' civil action make clear that Harris could save his action by filing an amended complaint in the district court. Accordingly, the district court's and magistrate judge's orders are not

appealable. We therefore dismiss these appeals for lack of jurisdiction. 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