

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-8046

ANTHONY DACRE,

Plaintiff - Appellant,

v.

LIEUTENANT FLEMING; SGT. MITCHELL; SGT. WILSON; SGT.
RATTCLIFF; SGT. REYNOLDS,

Defendants - Appellees,

and

HOGGE, Guard; BRYANT, Guard; GREEN, Guard,

Defendants.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Samuel G. Wilson, District
Judge. (7:12-cv-00055-SGW-RSB)

Submitted: April 25, 2013

Decided: April 29, 2013

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

Dismissed by unpublished per curiam opinion.

Anthony Dacre, Appellant Pro Se. Richard Carson Vorhis, Senior
Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Dacre seeks to appeal the district court's order dismissing his complaint without prejudice for failure to comply with the court's order to file an amended complaint clarifying what claims Dacre wished to pursue against which defendants. 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, 545-46 (1949). The order Dacre seeks to appeal is neither a final order nor an appealable interlocutory or collateral order because it is possible for him to cure the pleading deficiencies in the complaint that were identified by the district court. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we deny Dacre's motion for an extension of time to file a supplemental brief and dismiss the appeal for lack of jurisdiction.

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