

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-2070**

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DOUGLAS E. OSBORNE,

Plaintiff - Appellant,

v.

LORILLARD TOBACCO COMPANY,

Defendant - Appellee.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:14-cv-00750-CCE-LPA)

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Submitted: March 12, 2015

Decided: March 16, 2015

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Before DIAZ and HARRIS, Circuit Judges.\*

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Dismissed by unpublished per curiam opinion.

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Douglas E. Osborne, Appellant Pro Se. Nicole A. Crawford, Max Daniel McGinn, BROOKS, PIERCE, MCCLENDON, HUMPHREY & LEONARD, LLP, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

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\* The opinion is filed by a quorum pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Douglas E. Osborne seeks to appeal the district court's order adopting in part the magistrate judge's report and recommendation and, pursuant to 28 U.S.C. § 1915(e)(2) (2012), dismissing without prejudice his civil complaint against his former employer for failure 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, 545-46 (1949). The order Osborne seeks to appeal is neither a final order nor an appealable interlocutory or collateral order.<sup>†</sup> Accordingly, we dismiss the appeal for lack of jurisdiction, and we deny as moot Osborne's motion to compel the production of documents. 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

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<sup>†</sup> Because Osborne may amend his complaint to cure the defects identified by the district court, the dismissal order is interlocutory and not appealable. See Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005); Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).