

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6790

DONNELL HAWKINS,

Petitioner - Appellant,

v.

R. A. PERDUE,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, District Judge. (1:13-cv-00214-IMK-JES)

Submitted: September 25, 2014 Decided: September 30, 2014

Before WILKINSON and AGEE, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Donnell Hawkins, Appellant Pro Se. Helen Campbell Altmeyer, Alan McGonigal, Assistant United States Attorneys, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donnell Hawkins, a federal prisoner, seeks to appeal the district court's order adopting the magistrate judge's recommendation to dismiss without prejudice his 28 U.S.C. § 2241 (2012) petition, in which he challenged the conditions of his confinement. Because Hawkins may amend his complaint to proceed under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), rather than § 2241, the district court's dismissal without prejudice is not a final order and is not subject to appellate review. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we 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