

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6937

RAHEEM AKBAR SHABAZZ FLOYD,

Plaintiff - Appellant,

v.

EDWARD J. MCMAHON, Sheriff; M. J. MOSALL,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Louise W. Flanagan,
District Judge. (5:15-ct-03309-FL)

Submitted: October 13, 2016

Decided: October 18, 2016

Before NIEMEYER, DUNCAN, and WYNN, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Raheem Akbar Shabazz Floyd, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raheem Akbar Shabazz Floyd seeks to appeal the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2012) complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) (2012) for failing to allege a constitutional violation. This court may exercise jurisdiction 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 Floyd seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. 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 and remand the case to the district court with instructions to allow Floyd to file an amended complaint. See Goode v. Cent. Va. Legal Aid Soc'y, Inc., 807 F.3d 619, 623-24, 630 (4th Cir. 2015). 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 AND REMANDED