

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 96-7099

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PETE SMITH,

Plaintiff - Appellant,

versus

GREENSBORO CHIEF OF POLICE, DAUGHTRY; S.  
LANGHOLE, Officer,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle Dis-  
trict of North Carolina, at Greensboro. William L. Osteen, Sr.,  
District Judge. (CA-96-459-2)

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Submitted: September 20, 1996

Decided: October 2, 1996

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Before NIEMEYER, HAMILTON, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Pete Smith, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's order adopting the magistrate judge's order and dismissing without prejudice Appellant's 42 U.S.C. § 1983 (1994) complaint. The district court's dismissal without prejudice is not appealable at this time, given the fact that Appellant could save his complaint through amendment. Domino Sugar Corp. v. Sugar Workers' Local Union 392, 10 F.3d 1064 (4th Cir. 1993). This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory order.

We dismiss the appeal as interlocutory. 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