

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7392

GERALD GARNER,

Plaintiff - Appellant,

versus

STEVE DUNBAR; JIM ROBERT; JULIE ARMSTRONG,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Bristow Marchant, Magistrate Judge.
(CA-96-2370)

Submitted: March 27, 1997

Decided: April 3, 1997

Before RUSSELL, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gerald Garner, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order dismissing without prejudice his 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. See Domino Sugar Corp. v. Sugar Workers' Local Union 392, 10 F.3d 1064, 1066-67 (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 or collateral order.

We dismiss the appeal as interlocutory. We deny Appellant's request for 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