

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6070

SHERMAN ROSS,

Plaintiff - Appellant,

versus

RON ANGELONE, Director; VIRGINIA DEPARTMENT OF
CORRECTIONS; COMMONWEALTH OF VIRGINIA; UNITED
STATES OF AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Norfolk. J. Calvitt Clarke, Jr., Senior
District Judge. (CA-96-964-2)

Submitted: August 14, 1997

Decided: August 21, 1997

Before NIEMEYER, Circuit Judge, and BUTZNER and PHILLIPS, Senior
Circuit Judges.

Dismissed by unpublished per curiam opinion.

Sherman Ross, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the dismissal without prejudice of his 42 U.S.C. § 1983 (1994) complaint. Appellant's complaint was dismissed without prejudice to his right to resubmit the case with the court ordered questionnaire. This court may exercise jurisdiction only over final orders, and certain interlocutory and collateral orders.¹ Because Appellant may be able to save this action by filing the court ordered questionnaire, the dismissal order which Appellant seeks to appeal is not an appealable final order.² Accordingly we dismiss the appeal.

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

¹ See 28 U.S.C. § 1292 (1994); FED. R. CIV. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949).

² See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064 (4th Cir. 1993).