

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6509

ISAIAH T. FEASTER,

Plaintiff - Appellant,

versus

RALPH LOGAN, Warden; MAJOR RICHIE, Correctional
Officer; MAJOR EAST, Correctional Officer,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-99-
794-AMD)

Submitted: August 5, 1999

Decided: August 11, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Isaiah T. Feaster, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Isaiah T. Feaster appeals from the district court's order dismissing without prejudice this complaint pursuant to 42 U.S.C. § 1983 (1994). The district court's dismissal without prejudice is not appealable. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). A dismissal without prejudice is a final order only if "'no amendment [to the complaint] could cure the defects in the plaintiff's case.'" Id. In ascertaining whether a dismissal without prejudice is reviewable in this Court, we must determine "whether the plaintiff could save his action by merely amending his complaint." Id. Because the grounds for dismissal of this action show that Feaster could save his action in the district court, the dismissal order is not appealable. 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 the court and argument would not aid the decisional process.

DISMISSED