

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6765

KEVIN JOHNSON,

Plaintiff - Appellant,

versus

GENE M. JOHNSON, Director, Virginia State Department of Corrections (VDOC); RONALD ANGELONE, Past Director, VDOC; JOHN JABE, Deputy Director, VDOC; FRED SCHILLING, Health Services Director, VDOC; INSPECTOR GENERAL, VDOC; LARRY TRAYLOR, VDOC Spokesman; T. C. BROWN, Ombudsman Services Manager, VDOC; LARRY HUFFMAN, Western Regional Director, VDOC; RICHARD YOUNG, Past Western Regional Director; ROBBIE BIVENS, Regional Ombudsman, VDOC; S. LARLEE, Regional Ombudsman, VDOC; POUND, VIRGINIA POSTMASTER; STANLEY K. YOUNG, Warden, Wallens Ridge State Prison (WRSP); ADAM HARVEY, Past Assistant Warden, WRSP; T. YATES, Security Chief, WRSP; CHARLES JANEWAY, Prison Guard Captain, WRSP; DAVID TAYLOR, Prison Guard Captain, WRSP; JEFF COMPTON, Prison Guard Lieutenant, WRSP; MEYER, Prison Guard Lieutenant, WRSP; A. J. GALLIHAR, Prison Guard Lieutenant, WRSP; JEFFREY HEAD, Prison Guard Sergeant, WRSP; JOE BENTLEY, Prison Guard Sergeant, WRSP; MATTHEW HAMILTON, Prison Guard Sergeant, WRSP; EWING, Prison Guard Sergeant, WRSP; SWORD, Prison Guard Sergeant, WRSP; COLLINS, Prison Guard Sergeant, WRSP; SERGEANT KENDRICK, Prison Guard Sergeant, WRSP; MICHAEL HUTCHINSON, Investigator (Past), WRSP; B. STURGILL, Prison Guard, WRSP; VORP, Prison Guard, WRSP; G. SEXTON, Prison Guard, WRSP; J. HURLEY, Prison Guard, WRSP; HUGHES, Prison Guard, WRSP; GILLEY, Prison Guard, WRSP; G.

BAILEY, Prison Guard, WRSP; I. HAMILTON, Prison Guard, WRSP; KEITH COUNTS, Prison Guard, WRSP; DANIEL BRAXTON, Warden, Red Onion State Prison (ROSP); JERRY W. ARMENTROUT, Assistant Warden, ROSP; RICHARD FLEMING, Security Chief, ROSP; RICHARD ROWLETTE, Past Security Chief, ROSP; Y'VONNE ELSWICK-TAYLOR, Treatment Supervisor, ROSP; LESLIE FLEMING, Past Prison Guard Captain, ROSP; J. KISER, Prison Guard Captain, ROSP; DEWAYNE TURNER, Prison Guard Lieutenant, ROSP; RONALD FOWLER, Prison Guard Lieutenant, ROSP; LARRY COX, Prison Guard Lieutenant, ROSP; RICHARD ROSE, Prison Guard Lieutenant, ROSP; DANNY DAMRON, Prison Guard Sergeant, ROSP; JOE FANNIN, Prison Guard Sergeant, ROSP; SCOTTY DEEL, Prison Guard Sergeant, ROSP; SERGEANT CHILDRESS, Prison Guard Sergeant, ROSP; T. MCCOY, Prison Guard Sergeant, ROSP; KEVIN MCCOY, Prison Guard Sergeant, ROSP; DELMER TATE, Prison Guard Sergeant, ROSP; T. WOOD, Prison Guard Sergeant, ROSP; SERGEANT ADAMS, Prison Guard Sergeant, K-9 Unit, ROSP; CARL YATES, Investigator, ROSP; RANDALL CANTRELL, Prison Guard, ROSP; L. COLLINS, Prison Guard, ROSP; G. MULLINS, Prison Guard, ROSP; S. RASNICK, Prison Guard, ROSP; S. WHITE, Prison Guard, ROSP; WEBB, Prison Guard, ROSP; FRANKLIN, Prison Guard, ROSP; DANIEL MCCOWAN, Prison Guard, ROSP; SHANNON LONG, Prison Guard, ROSP; J. SMITH, Prison Guard, ROSP; J. ELY, Prison Guard, ROSP; D. MOONEY, Past Prison Guard, ROSP; ROCKY WOOD, Prison Guard, ROSP; J. STANLEY, Prison Guard, ROSP; J. PHILLIPS, Prison Guard, ROSP; JAMES BENTLEY, Prison Guard, ROSP; T. AUSTIN, Prison Guard, ROSP; S. BUNCH, Mailroom Worker, ROSP; T. PEASE, Mailroom Worker, ROSP; S. MULLINS, Mailroom Worker, ROSP; P. HARLESS, Assistant Nursing Director, ROSP; STILTNER, Licensed Practical Nurse, ROSP; GREEN, Medical Doctor, ROSP; FONNIE TAYLOR, Grievance Coordinator, ROSP; M. BOLLING, Grievance Coordinator, ROSP; J. JOHNSON, Grievance Coordinator, ROSP; P. PERRIGAN, Grievance Coordinator, ROSP; BRET EDMONDS, Disciplinary Hearings Officer, ROSP; LARRY COLLINS, Disciplinary Hearings Officer, ROSP; D. MCKNIGHT, Food Service Director,

ROSP; JAMES R. WIANDT, Special Agent, VDOC,
ROSP; KEVIN YOUNG, Prison Guard, WRSP; N.
SUTHERLAND, Grievance Coordinator, ROSP,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. T. S. Ellis, III, District
Judge. (CA-04-145-AM)

Submitted: November 24, 2004 Decided: January 13, 2005

Before WILKINSON and TRAXLER, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Kevin Johnson, Appellant Pro Se.

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

PER CURIAM:

Kevin Johnson appeals from the district court's orders dismissing without prejudice his 42 U.S.C. § 1983 (2000) action and denying his motion for reconsideration. The district court dismissed the complaint for failure to comply with Fed. R. Civ. P. 20(a).

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 could cure the defects in the complaint. Id. at 1067. 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. Here, Johnson can cure the defect in his complaint by filing an amended complaint that does not incorporate multiple unrelated claims.

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