

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6579**

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WINFRED WITHERSPOON,

Plaintiff - Appellant,

v.

JAMES HOLWAGER; KAREN STRATON, R.N.; CORRECTIONAL OFFICER  
SMITH; S. HAFERCAMP, Psych Assoc.,

Defendants - Appellees,

v.

DOUGLAS F. GANSLER,

Party-in-Interest - Appellee.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. J. Frederick Motz, District Judge.  
(1:08-cv-02420-JFM)

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Submitted: August 20, 2009

Decided: August 26, 2009

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

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Dismissed by unpublished per curiam opinion.

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Winfred Witherspoon, Appellant Pro Se. Deborah Elizabeth Kane,  
HARTEL KANE DESANTIS MACDONALD & HOWIE, LLP, Beltsville,  
Maryland; Nichole C. Gatewood, OFFICE OF THE ATTORNEY GENERAL OF

MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Winfred Witherspoon seeks to appeal the district court's order denying his "refiled motion for leave to file an amended complaint." This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Witherspoon seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. 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