

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1021

LAWRENCE TERRY,

Plaintiff - Appellant,

v.

UNITED STATES POSTAL SERVICE,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., District Judge. (3:10-cv-02095-JFA)

Submitted: March 15, 2011

Decided: March 21, 2011

Before MOTZ and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Lawrence Terry, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lawrence Terry appeals the district court's order adopting the magistrate judge's recommendation and dismissing without prejudice his suit as barred by sovereign immunity.* On appeal, we confine our review to the issues raised in the Appellant's brief. See 4th Cir. R. 34(b). Because Terry's informal brief does not challenge the basis for the district court's disposition, Terry has forfeited appellate review of the court's order. Accordingly, we affirm the district court's judgment. 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.

AFFIRMED

* Generally, dismissals without prejudice are interlocutory and not appealable. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066 (4th Cir. 1993). However, a dismissal without prejudice could be final if no amendment to the complaint could cure the defect in the plaintiff's case. Id. at 1066-67; see also Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005). We conclude that the defect identified by the district court cannot be cured by an amendment to the complaint and that the order is therefore appealable.