

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2531

JAMES F. LAPINSKI,

Plaintiff - Appellant,

versus

STATE FARM MUTUAL AUTOMOBILE INSURANCE COM-
PANY; STATE FARM FIRE AND CASUALTY COMPANY;
KOONS OF TYSONS CORNER, INCORPORATED; GREGORY
D. MEADOWS; GENERAL MOTORS CORPORATION,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Alexandria. Claude M. Hilton, Chief District
Judge. (CA-98-759-A)

Submitted: March 16, 1999

Decided: April 7, 1999

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James F. Lapinski, Appellant Pro Se. Stephen Anthony Horvath,
TRICHILO, BANCROFT, MCGAVIN, HORVATH & JUDKINS, Fairfax, Virginia;
Anthony Eugene Grimaldi, MARTELL, DONNELLY, GRIMALDI & GALLAGHER,
P.A., Fairfax, Virginia; Barry Dorans, WOLCOTT, RIVERS, WHEARY,
BASNIGHT & KELLY, P.C., Virginia Beach, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James F. Lapinski appeals from the district court's order dismissing without prejudice his claim alleging breach of contract, negligence, intentional misconduct, failure to honor warranties, fraud, bad faith, and violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C.A. §§ 1961-1968 (West 1984 & Supp. 1998). The court dismissed Lapinski's complaint without prejudice based on lack of jurisdiction under 28 U.S.C.A. § 1332 (West 1993 & Supp. 1998). Although the order did not address whether the court had jurisdiction under 28 U.S.C. § 1331 (1994), a review of Lapinski's complaint reveals that it fails to allege a federal cause of action. See Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496 (1985). "[A] plaintiff may not appeal the dismissal of his complaint without prejudice unless the grounds for dismissal clearly indicate that 'no amendment [in the complaint] could cure the defects in the plaintiff's case.'" Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Because an allegation of appropriate facts could cure the defects in Lapinski's complaint for which it was dismissed, we dismiss his 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