

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6855

VINCENT SQUIRE,

Plaintiff - Appellant,

v.

MS. WITT; MS. MOSLEY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, Senior District Judge. (2:20-cv-00376-RAJ-LRL)

Submitted: November 22, 2022

Decided: November 29, 2022

Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Vincent Squire, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Vincent Squire seeks to appeal the district court's order dismissing without prejudice Squire's 42 U.S.C. § 1983 action for failure to prosecute and providing Squire the opportunity to file an amended complaint. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order Squire seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Britt v. DeJoy*, 45 F.4th 790, 793, 797 (4th Cir. 2022) (en banc) (order) (explaining that a district court's "order that dismisses a complaint with leave to amend is not a final decision" and that plaintiff must either file an amended complaint in the district court or "request that the district court enter a final decision dismissing [his] case without leave to amend"). 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 this court and argument would not aid the decisional process.

DISMISSED