

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2390

THOMAS L. SWITZER,

Plaintiff - Appellant,

v.

TOWN OF STANLEY; OFFICER BROWN; SERGEANT DEAN,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Harrisonburg. Samuel G. Wilson,
District Judge. (5:10-cv-00128-sgw)

Submitted: February 10, 2011

Decided: February 16, 2011

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

Dismissed by unpublished per curiam opinion.

Thomas L. Switzer, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas L. Switzer seeks to appeal the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2006) complaint against the Town of Stanley. 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, 545-46 (1949). Generally, a district court's dismissal of a complaint without prejudice is not appealable. See Domino Sugar Corp. v. Sugar Workers Local Union 292, 10 F.3d 1064, 1066-67 (4th Cir. 1993) (holding that "a plaintiff may not appeal the dismissal of his complaint without prejudice unless the grounds for dismissal clearly indicate that no amendment [to the complaint] could cure the defects in the plaintiff's case") (alteration in original) (internal quotation marks omitted). In this case, Switzer would be able to save his action by amending his complaint to comply with the district court's order. Therefore, the district court's dismissal of Switzer's complaint without prejudice is not an appealable final 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