

Certiorari dismissed by Supreme Court, October 15, 2013

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2385

HENRY T. SANDERS,

Plaintiff - Appellant,

v.

MIDLAND FUNDING LLC; WAL-MART ASSOCIATES, INCORPORATED,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Chief District Judge. (8:12-cv-02518-DKC)

Submitted: March 26, 2013

Decided: March 28, 2013

Before DUNCAN, FLOYD, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Henry T. Sanders, Appellant Pro Se. Lauren M. Burnette, MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN, Harrisburg, Pennsylvania, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Henry T. Sanders seeks to appeal the district court's order dismissing his complaint without prejudice for failure to comply with the court's order to file an amended complaint providing a factual basis and stating the relief sought. 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). The order Sanders seeks to appeal is neither a final order nor an appealable interlocutory or collateral order because it is possible for him to cure the pleading deficiencies in the complaint that were identified by the district court. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993) (holding that a dismissal without prejudice is not appealable unless it is clear that no amendment to the complaint "could cure the defects in the plaintiff's case" (internal quotation marks omitted)); see also Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005) (explaining that, under Domino Sugar, this court must "examine the appealability of a dismissal without prejudice based on the specific facts of the case in order to guard against piecemeal litigation and repetitive appeals"). Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal for lack of

jurisdiction. We grant Sanders' motion to file a reply brief. 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