

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6491

BENNIE DARREN MITCHELL,

Plaintiff - Appellant,

v.

DESIREE R. ALLEN, Court Reporter Manager, South Carolina
Court Administration; JOY E. HOLSTON, Court Reporter,
Official Court Reporter 8th Judicial Circuit,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Cameron McGowan Currie, District
Judge. (8:11-cv-03361-CMC)

Submitted: July 19, 2012

Decided: July 23, 2012

Before DUNCAN, AGEE, and WYNN, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam
opinion.

Bennie Darren Mitchell, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bennie Darren Mitchell appeals from the district court's order adopting the recommendation of the magistrate judge, dismissing Mitchell's 42 U.S.C. § 1983 (2006) civil rights action without prejudice for failure to state a claim upon which relief may be granted, and denying his self-styled "Motion for Preliminary Injunction and a Temporary Restraining Order" seeking injunctive relief. We dismiss in part and affirm in part.

We dismiss the appeal of Mitchell's § 1983 claims. 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, 545-47 (1949). Because the deficiency identified by the district court—that Mitchell's complaint did not assert sufficient allegations in support of its legal conclusions—may be remedied by the filing of a complaint that articulates adequate allegations, we conclude that, as to the dismissal of the complaint, the district court's order is neither a final order nor an appealable interlocutory or collateral order. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we dismiss this portion of the appeal for lack of jurisdiction.

With respect to the district court's denial of Mitchell's motion seeking injunctive relief, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Mitchell v. Allen, No. 8:11-cv-03361-CMC (D.S.C. Mar. 9, 2012). 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 IN PART;
AFFIRMED IN PART