

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-1002

MICHAEL WOOLLS,

Plaintiff - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:18-cv-01155-CMH-JFA)

Submitted: March 15, 2019

Decided: July 5, 2019

Before GREGORY, Chief Judge, QUATTLEBAUM, Circuit Judge, and SHEDD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Michael Woolls, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Woolls appeals the district court's order dismissing his civil complaint for failure to state a claim and granting him 21 days to file an amended complaint.* This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b), *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-47 (1949). The order Woolls seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623-24 (4th Cir. 2015). 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

* Although Woolls did not file an amended complaint within the allotted time frame, nothing in the district court's order converted its dismissal to one with prejudice, and there was no subsequent order filed dismissing with prejudice. Accordingly, Woolls' complaint was dismissed without prejudice.

FILED: July 5, 2019

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JUDGMENT

In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MICHAEL WOOLLS,)
Plaintiff,)
v.) Civil Action No. 1:18-cv-1155
COMMONWEALTH OF VIRGINIA,)
Defendant.)

ORDER

THIS MATTER comes before the Court on Defendant's Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

The Plaintiff has failed to state a claim in his complaint for which relief can be granted. For these reasons, it is hereby

ORDERED that Defendant's Motion to Dismiss is GRANTED,

Plaintiff is given leave to FILE an amended complaint within 21 days in which he sets forth his allegations against the Defendant clearly and in numbered paragraphs.

Claude M. Hilton
CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
December 4, 2018