APPENDIX A
U.S. Court of Appeals for the Fourth Circuit
Opinion
entered November 6, 2020

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1969

LARRY SQUIRES,

Plaintiff - Appellant,

v.

MERIT SYSTEMS PROTECTION BOARD; UNITED STATES DEPARTMENT OF NAVY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Dever III, District Judge. (4:19-cv-00005-D)

Submitted: July 30, 2020 Decided: November 6, 2020

Before DIAZ and QUATTLEBAUM, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed in part, dismissed in part, and remanded by unpublished per curiam opinion.

Larry Squires, Appellant Pro Se. Rudy E. Renfer, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellees.

PER CURIAM:

Larry Squires appeals the district court's order affirming the final decision of the Merit Systems Protection Board (MSPB) and dismissing without prejudice his disability discrimination claims for failure to state a claim under Fed. R. Civ. P. 12(b)(6). Squires argues that the district court erred in affirming the MSPB's decision that it lacked jurisdiction over his involuntary retirement claim. Finding no reversible error, we affirm this portion of the district court's order for the reasons stated by the district court. *Squires v. Merit Sys. Prot. Bd.*, No. 4:19-cv-00005-D (E.D.N.C. July 3, 2019).

Turning to the dismissal of Squires' disability discrimination claims, this court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2018), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2018); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). "[D]ismissals without prejudice generally are not appealable 'unless the grounds for dismissal clearly indicate that no amendment in the complaint could cure the defects in the plaintiff's case.'" *Bing v. Brivo Sys., LLC*, 959 F.3d 605, 610 (4th Cir. 2020) (quoting *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1067 (4th Cir. 1993)). Because the grounds for the district court's dismissal and our review of the record "indicat[e] that the [complaint's] deficiencies could be corrected by improved pleading," we conclude that the district court's order is neither a final order nor an appealable interlocutory or collateral order. *Bing*, 959 F.3d at 611. Accordingly, although we grant leave to proceed in forma pauperis, we dismiss the remainder of the appeal for lack of jurisdiction and remand to the

district court with instructions to allow Squires to amend the complaint related to the disability discrimination claims.

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.

AFFIRMED IN PART, DISMISSED IN PART, AND REMANDED

APPENDIX B
U.S. Court of Appeals for the Fourth Circuit
Denial of Rehearing En Banc
entered December 14, 2021

FILED: December 14, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1969
(4:19-cv-00005-D)

LARRY SQUIRES

Plaintiff - Appellant

v.

MERIT SYSTEMS PROTECTION BOARD; UNITED STATES DEPARTMENT OF NAVY

Defendants - Appellees

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Upon consideration of the motions to exceed length limitations for petition for rehearing, requesting filing of response to petition for rehearing, and for appointment of counsel, the court denies the motions.

Entered at the direction of the panel: Judge Diaz, Judge Quattlebaum, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk