

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7121

KEVIN L. CHOICE,

Plaintiff - Appellant,

versus

LIEUTENANT BROGTON, Kershaw Correctional
Institution, South Carolina Department of
Corrections; SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. David C. Norton, District Judge.
(CA-00-1620-0-18BD)

Submitted: November 9, 2000

Decided: November 15, 2000

Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kevin L. Choice, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Kevin L. Choice appeals the district court's order dismissing without prejudice his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint and order denying his motion to reconsider. The court dismissed Choice's complaint based on his failure to exhaust his state and administrative remedies. Because Choice may proceed with this action by first exhausting his remedies and thereafter amending his complaint to provide the exhaustion information requested by the court, his appeal is interlocutory and not subject to appellate review. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). 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.

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DISMISSED