

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6099**

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ALLEN LEBEDUN,

Petitioner - Appellant,

versus

ALTON BASKERVILLE, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CA-00-1426)

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Submitted: April 12, 2001

Decided: April 18, 2001

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Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Allen Lebedun, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Allen Lebedun appeals from a district court order dismissing without prejudice his petition for habeas corpus under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000). The court dismissed Lebedun's petition because he failed to pay the filing fee as directed. Because Lebedun may proceed with this action in the district court by complying with the court's order, 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 deny Lebedun's motion for relief from judgment, deny a certificate of appealability, and 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.

DISMISSED