

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6300

KIASI POWELL,

Plaintiff - Appellant,

versus

J. ELY, Corrections Officer; PAGE TRUE, Warden; YVONNE ELSWICK, Assistant Warden of Programs; J. ARMENTROUT, Assistant Warden of Operations; M. SWINEY, CIRC/Program Assignment Reviewer; J. BENTLEY, Treatment Program Supervisor; RICHARD A. YOUNG, Regional Director,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CA-01-5-7)

Submitted: April 27, 2001

Decided: May 7, 2001

Before LUTTIG and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kiasi Powell, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kiasi Powell appeals the district court's order dismissing without prejudice his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C.A. § 1915A(b)(1) (West Supp. 2000).^{*} We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Powell v. Ely, No. CA-01-5-7 (W.D. Va. Jan. 12, 2001). 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.

AFFIRMED

^{*} Generally, dismissals without prejudice are not appealable. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066 (4th Cir. 1993). We find, however, that the district court's order is a final, appealable order because no amendment can cure the defect in Powell's complaint. Id. at 1066-67.