

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6337

JAMES A. BROWN, JR.,

Plaintiff - Appellant,

versus

TOWN OF FARMVILLE, VIRGINIA; PRINCE EDWARD
COUNTY; PIEDMONT REGIONAL JAIL; LEWIS W.
BARLOW, Superintendent for Piedmont Regional
Jail; EDWARD GORDON, M.D.; EDWARD CHAFFIN,
R.N.,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Richard L. Williams, Senior
District Judge. (CA-01-140-3)

Submitted: May 21, 2002

Decided: June 24, 2002

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James A. Brown, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James A. Brown, Jr., appeals the district court's order accepting the recommendation of the magistrate judge and dismissing without prejudice his 42 U.S.C.A. § 1983 (West Supp. 2001) action. The magistrate judge recommended dismissing the complaint because Brown failed to indicate any named Defendant was aware he did not timely receive his medication or was deliberately indifferent to that fact and Brown did not allege specific facts to support his bare assertion of retaliation. The district court dismissed the appeal without prejudice because Brown failed to timely object to the magistrate judge's report.

Because Brown may be able to proceed with this action by amending his complaint to allege sufficient facts to state a claim, the dismissal order is not final and thus is not subject to appellate review. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).

We therefore dismiss the appeal. 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