

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7908**

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FERMAN ALVIN RUPPE, JR.,

Plaintiff - Appellant,

versus

GENE JOHNSON, Director, VDOC; FRED SCHILLING,  
Director; HAPPY SMITH, Dr., WRSP; G. HOBBS,  
Nurse, LPN, WRSP; NURSE HILLMAN, WRSP; NURSE  
MULLINS, WRSP; S. K. YOUNG, Warden, WRSP;  
NURSE HENSLEY, WRSP,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. James C. Turk, Senior District  
Judge. (CA-03-581-7)

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Submitted: April 29, 2004

Decided: May 4, 2004

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Before LUTTIG, WILLIAMS, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Ferman Alvin Ruppe, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ferman Alvin Ruppe, Jr., appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2000) complaint. We have reviewed the record and find the district court did not abuse its discretion in dismissing the complaint. Accordingly, we grant leave to proceed in forma pauperis and affirm on the reasoning of the district court. See Ruppe v. Johnson, No. CA-03-581-7 (W.D. Va. Oct. 31, 2003). 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