

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6173

WAYNE GENOVA,

Plaintiff - Appellant,

versus

MAJOR TALLEY, Jail Administrator; DR. FOX,
Jail Psychologist; MRS. KING, Mental Health
Worker,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Gerald Bruce Lee, District
Judge. (CA-03-858)

Submitted: July 16, 2004

Decided: August 10, 2004

Before WIDENER, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Wayne Genova, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wayne Genova appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West 2000) action for failure to comply with the court's order that he particularize his complaint. Because the district court's dismissal was without prejudice, it is not appealable. See Domino Sugar Corp v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066 (4th Cir. 1993). Accordingly, we deny the motion for leave to appeal in forma pauperis and dismiss the appeal. If he chooses, Genova may refile his complaint in district court, being careful to be sufficiently particular in the details of his claim to satisfy the district court's prior order.

We dispense with oral argument because the facts and legal contentions are adequately addressed in the materials before the court and argument would not aid the decisional process.

DISMISSED