

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7221**

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ADAM BESTHOFF,

Plaintiff - Appellant,

versus

DOCTOR ROSTAFINSKI, M.D.; MS. CAUL, Work  
Release; OFFICER AGUND, C/O; MR. HEDDINGER;  
COUNSELOR SYED; SERGEANT MCINTYRE; CORPORAL  
HARRESON,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. Robert E. Payne, District  
Judge. (3:06-cv-00271-REP)

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Submitted: October 31, 2006

Decided: November 7, 2006

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Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Adam Besthoff, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Adam Besthoff appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2000) complaint because Besthoff failed to pay the initial partial filing fee. Because Besthoff may refile his suit and either pay the required fee or affirm he is unable, the dismissal order is interlocutory and not appealable. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we 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